

JOHN S. POULSON MSC  
COEYMANS MARINE TOWING

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF VIRGINIA 3 Norfolk Division 4 In Admiralty 5 Civil Action No. 2:24-cv-00490 6 -----X 7 In the Matter of COEYMANS MARINE 8 TOWING, LLC D/B/A CARVER MARINE TOWING 9 as Owner and Operator of M/T 10 Mackenzie Rose, (IMO No. 8968765) her 11 cargo, engines, boilers, tackle, 12 equipment, apparel, and appurtenances, 13 etc., in rem, petitioning for Exoneration 14 from or Limitation of Liability in allision 15 with Norfolk and Portsmouth Belt Line 16 Railroad Company Main Line Railroad Bridge 17 occurring June 15, 2024 in and about the 18 Elizabeth River, Virginia. 19 -----X 20 21 22 23 24 25</p> <p>12 EXPERT WITNESS TESTIMONY VIA ZOOM 13 OF JOHN S. POULSON, MSc 14 August 27, 2025</p> <p>22 Reported by: 23 SARA FREUND, CSR 24 25</p>	<p>1 A P P E A R A N C E S: 2 3 CLYDE &amp; CO. 4 Attorneys for Coeymans Marine Towing, LLC 5 d/b/a Carver Marine Towing 6 405 Lexington Avenue - 16th floor 7 New York, New York 10174 8 BY: JAMES H. RODGERS, ESQ. 9 10 CRENSHAW, WARE &amp; MARTIN, P.L.C. 11 Attorneys for Norfolk and Portsmouth 12 Belt Line Railroad Company and Witness 13 150 W. Main Street - Suite 1923 14 Norfolk, Virginia 23510 15 BY: JAMES CHAPMAN, ESQ. 16 W. RYAN SNOW, ESQ. 17 18 19 20 21 22 23 24 25</p> <p>12 SINNOT, NUCKOLS &amp; LOGAN, PC 13 Attorneys for Evanston Insurance Company 14 13811 Village Mill Drive 15 Midlothian, Virginia 23114 16 BY: MARK C. NANVATI, ESQ. 17 18 19 20 21 22 23 24 25</p>
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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>12 August 27, 2025 13 10:39 a.m.</p> <p>19 EXPERT WITNESS TESTIMONY VIA ZOOM OF 20 JOHN S. POULSON, MSc, on the above-mentioned 21 date and time, before Sara Freund, a Certified 22 Shorthand Reporter and Notary Public within and 23 for the State of New York. 24 25</p>	<p>1 J. S. POULSON, MSc 2 JOHN S. POULSON, MSc, after having 3 first been duly sworn by a Notary Public of the 4 State of New York, was examined and testified as 5 follows: 6 Q. State your name and address for the 7 record. 8 A. John Stanley Poulson, 8 Rose Street, 9 Plainview, New York. 10 EXAMINATION BY 11 MR. RODGERS: 12 Q. Good morning, Mr. Poulson. 13 A. Good morning. 14 Q. Am I pronouncing it correctly, Poulson? 15 A. Yes, that's correct. 16 Q. Have you ever been deposed before 17 today? 18 A. Yes. 19 Q. Approximately how many times? 20 A. Around between 25 and 30. Well, that 21 includes court testimony, so perhaps 25 22 depositions and some court appearances. 23 Q. So I just want to go through some rules 24 briefly since you've done this before. I'm 25 going to ask you some questions. As you know,</p>

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<p style="text-align: right;">Page 5</p> <p>1 J. S. POULSON, MSc</p> <p>2 if you don't understand them or hear them, just</p> <p>3 ask me to repeat them, okay?</p> <p>4 A. Yes.</p> <p>5 Q. If you need to take a break at any</p> <p>6 time, just let me know and we'll facilitate</p> <p>7 that.</p> <p>8 A. Yes.</p> <p>9 Q. And if you need to speak to your</p> <p>10 attorney, you can speak to your attorney, not</p> <p>11 with a pending question, but just between</p> <p>12 questions, if you need to talk to your attorney,</p> <p>13 just ask me and we'll facilitate that as well,</p> <p>14 okay?</p> <p>15 A. Yes. Thank you.</p> <p>16 Q. What's your current position?</p> <p>17 A. I'm chief surveyor for Poulson Marine</p> <p>18 Consultants, PMC, LLC.</p> <p>19 Q. Are you the owner of that company?</p> <p>20 A. No.</p> <p>21 Q. Who is the owner?</p> <p>22 A. My wife.</p> <p>23 Q. Are you the president?</p> <p>24 A. I think I'm CEO. She's the boss.</p> <p>25 Q. Do you have any employees other than</p>	<p style="text-align: right;">Page 7</p> <p>1 J. S. POULSON, MSc</p> <p>2 were you doing surveying there?</p> <p>3 A. Yes. I was doing surveying, loss</p> <p>4 prevention, mostly casualty surveying and some</p> <p>5 valuation work. I was there briefly.</p> <p>6 Q. Okay. Can you just describe the types</p> <p>7 of surveys you did; were they damage surveys or</p> <p>8 something else?</p> <p>9 A. Well, throughout my career, a lot of</p> <p>10 casualty work, a lot of condition survey work,</p> <p>11 valuations.</p> <p>12 Q. What type of valuations generally?</p> <p>13 A. Condition and valuation surveys over</p> <p>14 the years.</p> <p>15 Q. I'm asking about Charles Taylor.</p> <p>16 A. Oh, Charles Taylor, yeah, just</p> <p>17 condition and valuation surveys. There may have</p> <p>18 been some valuation in damage, some value work</p> <p>19 for Charles Taylor.</p> <p>20 Q. And what type of vessels were you</p> <p>21 looking at when you were with Charles Taylor?</p> <p>22 A. A vast array of vessels: ocean-going,</p> <p>23 tugs, yachts, all matter of vessels, barges.</p> <p>24 Q. And you were doing the surveys on</p> <p>25 behalf of Charles Taylor?</p>
<p style="text-align: right;">Page 6</p> <p>1 J. S. POULSON, MSc</p> <p>2 yourself?</p> <p>3 A. No.</p> <p>4 Q. And how long have you been working</p> <p>5 under the name PMC?</p> <p>6 A. Since June 24, 2021.</p> <p>7 Q. And before that, what was your prior</p> <p>8 position?</p> <p>9 A. Titles, I had a brief period at Charles</p> <p>10 Taylor as chief surveyor. Prior to that, I was</p> <p>11 at Atlantic Marine Associates as chief surveyor.</p> <p>12 Prior to that, I was president of Noble Denton,</p> <p>13 GL Noble Denton as it became. And before that,</p> <p>14 I was head of the Technical Department at</p> <p>15 Shipowners Claims Bureau. And prior to that, I</p> <p>16 was regional manager for BMT Salvage for the</p> <p>17 Americas. And prior to that, I was a surveyor</p> <p>18 with Salvage Association New York, and prior to</p> <p>19 that, surveyor at Salvage Association in</p> <p>20 Antwerp, Belgium. So that started in 1989,</p> <p>21 after my seagoing career, through to today.</p> <p>22 Q. When you were at sea, were you working</p> <p>23 as an engineer?</p> <p>24 A. Yes, chief engineer.</p> <p>25 Q. If we can start with Charles Taylor,</p>	<p style="text-align: right;">Page 8</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. Yes.</p> <p>3 Q. And do you recall what was the purpose</p> <p>4 of the surveys, the condition and valuation</p> <p>5 surveys?</p> <p>6 A. Some pre-purchase, condition and</p> <p>7 valuation for insurance purposes.</p> <p>8 Q. When you say condition, would that be</p> <p>9 you'd be checking the haul of the engines and</p> <p>10 everything else?</p> <p>11 A. Vessel inspections prior to the</p> <p>12 valuation aspect. And that varied through all</p> <p>13 of the companies that I worked for and that I</p> <p>14 ran.</p> <p>15 Q. And when you say valuation, can you</p> <p>16 describe that generally? You said condition and</p> <p>17 valuation, so when you did the valuation part,</p> <p>18 what did that entail?</p> <p>19 A. Usually fair market value, and the vast</p> <p>20 majority of the time would be for insurance</p> <p>21 purposes. But during my period at Shipowners</p> <p>22 Claims and Atlantic Marine Associates, a lot of</p> <p>23 the valuations I was asked for were with regard</p> <p>24 to casualties and limitation of liability</p> <p>25 issues.</p>

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1 J. S. POULSON, MSc  
2 Q. And the insurance valuations, did you  
3 look at those differently than any other type of  
4 valuation?  
5 A. No. I have principally always  
6 presented a fair market value and given that to  
7 the instructing parties.  
8 Q. You have your report in front of you,  
9 right?  
10 A. I do.  
11 Q. First of all, can you state who hired  
12 you and why you were hired for this particular  
13 case?  
14 A. I was hired by Mr. Chapman to provide a  
15 valuation of the Mackenzie Rose in 2024, as it  
16 was in 2024.  
17 Q. Was there any other purpose of your  
18 valuation or survey?  
19 A. No.  
20 Q. Now, your report is dated August 8,  
21 2025, correct?  
22 A. Yes.  
23 Q. In your report you stated on page 4,  
24 Access of tug for survey was not provided by the  
25 owners; do you see that?

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1 J. S. POULSON, MSc  
2 A. Yes.  
3 Q. Did your attorney, prior to the recent  
4 inspection, ever tell you that there was access  
5 to the tug?  
6 MR. CHAPMAN: I'm going to object. The  
7 conversations I had with him are  
8 privileged.  
9 A. As I recall, we had discussions on when  
10 the tug would be available and when I would be  
11 available to carry out an inspection.  
12 Q. Were you ever told that the tug was  
13 available July 28, 2025?  
14 A. I don't recall exactly.  
15 Q. Are you aware that the tug was made  
16 available for inspection on July 28, 2025?  
17 MR. NANAVATI: Objecting to form. One  
18 of our other experts was not available on  
19 that day, so that question is improper.  
20 MR. RODGERS: Jim and Mark, you need to  
21 make up your mind who's going to be doing  
22 this because we're not doing tag team  
23 again.  
24 MR. NANAVATI: Jim represents one  
25 party. I represent another party. We both

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1 J. S. POULSON, MSc  
2 have rights to object.  
3 MR. RODGERS: But you just made a  
4 coaching objection, so thank you for that.  
5 Can you mark that for a ruling?  
6 Q. Were you available July 28, 2025 to  
7 inspect the Mackenzie Rose?  
8 MR. NANAVATI: Same objection.  
9 Completely improper.  
10 MR. RODGERS: Mark that for a ruling.  
11 Q. You can answer, Mr. Poulson.  
12 MR. NANAVATI: Same objection.  
13 A. I don't recall, but I would have  
14 advised counsel as to my availability certainly.  
15 Q. Were you in the New York City area on  
16 July 28, 2025?  
17 MR. NANAVATI: Same objection.  
18 A. I can check my calendar. I'm not sure  
19 where I was.  
20 Q. We'll keep a blank in the transcript  
21 and you can just tell your lawyer later and we  
22 can supplement it, okay?  
23 A. Sure, certainly.  
24 INSERT: \_\_\_\_\_  
25 Q. Or maybe during a break or whenever

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1 J. S. POULSON, MSc  
2 it's convenient. What about in late June, early  
3 July, were you ever told that the Mackenzie Rose  
4 was available during that time period?  
5 A. Possibly. I'll have to consult with  
6 counsel as to the back-and-forth on the  
7 availability. I'm happy to do that and answer  
8 that. I know there were a few attempts to get  
9 the survey done but --  
10 Q. We'll leave a blank in the record and  
11 when you get that information you can tell your  
12 lawyer.  
13 MR. RODGERS: And by counsel, if you  
14 can let me know, Jim, Mark, whoever is the  
15 counsel.  
16 INSERT: \_\_\_\_\_  
17 Q. When were you retained? I know you  
18 said it earlier, but I forgot.  
19 A. I'll have to check the date I was  
20 retained also.  
21 Q. Was it before July?  
22 A. Just bear with me, let me just look --  
23 July 11.  
24 Q. Thank you. Now, if you go to your main  
25 report -- I also have your supplemental one of

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1 J. S. POULSON, MSc  
2 today, I received it today, but going to your  
3 main report, when you did the main report that's  
4 dated August 8, 2025, you had not conducted the  
5 inspection yet, correct?  
6 A. That's correct.  
7 Q. When you wrote the report, did you know  
8 that the Mackenzie Rose had just completed an  
9 overhaul in April of 2025?  
10 A. That information was in the 2025 report  
11 from Jason Meyerrose, yes.  
12 Q. So you saw that before you did your  
13 report?  
14 A. Yes.  
15 Q. Now, did you take that into account  
16 regarding your valuation of the tug's value at  
17 the time of the incident?  
18 MR. CHAPMAN: Objection to form.  
19 A. Sorry, take what into account, the  
20 maintenance and the dry dock aspect?  
21 Q. Yes.  
22 A. Yes.  
23 Q. I'm talking about your initial  
24 \$4 million assessment at the time of the  
25 incident, June 15, 2024.

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1 J. S. POULSON, MSc  
2 A. Yes.  
3 Q. The overhaul was after that date,  
4 correct?  
5 A. Correct, yes.  
6 Q. Does the number of the value you put on  
7 the tug for June 15, 2025 include added value of  
8 the overhaul that was completed in April 2025?  
9 MR. CHAPMAN: Objection to form. I  
10 think you confused your dates.  
11 MR. RODGERS: Yes. Let me rephrase  
12 that.  
13 Q. You evaluated the value of the tug as  
14 of June 15, 2024, correct?  
15 A. Correct.  
16 Q. And you understand the overhaul went  
17 from October 2024 to approximately April 2025,  
18 correct?  
19 A. Yes.  
20 MR. CHAPMAN: Objection to form.  
21 Q. Do you understand the question?  
22 A. Yes, I understand the question, and,  
23 yes, I did take into account that. I also took  
24 into account the reported period of overhaul in  
25 2016, the five-yearly again in 2021, and, yes,

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1 J. S. POULSON, MSc  
2 it was overhauled again, maintenance carried out  
3 in 2025. My valuation of it in 2024 takes all  
4 that into account.  
5 Q. Including an overhaul that occurred  
6 after the date you're evaluating for?  
7 A. Having read what was involved in the  
8 shipyard period, yes. It doesn't alter my  
9 valuation.  
10 Q. Maybe you can explain that to me. As  
11 of June 15, 2024, the vessel had not gone into  
12 the overhaul that occurred between October 2024  
13 and April 2025, correct?  
14 A. That's correct. The Meyerrose report  
15 of 2024 mentions the 2016, the 2021 overhaul  
16 periods, and concludes that the tug was in  
17 above-satisfactory condition.  
18 Q. Let me try to clear this up, because I  
19 think I'm confusing you. You evaluated the  
20 value of the tug as of June 15, 2024, correct?  
21 A. Its value on June 15, 2024, yes.  
22 Q. And you understand that was the date of  
23 the incident that's the subject of this lawsuit,  
24 correct?  
25 A. Correct, yes.

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1 J. S. POULSON, MSc  
2 Q. And as of that date, the 2025 overhaul  
3 had not been conducted, correct?  
4 A. Correct.  
5 Q. So is it fair to say that your  
6 \$4 million number could not include the overhaul  
7 that was subsequent to the incident?  
8 MR. CHAPMAN: Objection to the form of  
9 the question.  
10 A. The overhaul of the tug through the end  
11 of 2024, into '25, constitutes maintenance, i.e.  
12 to maintain the tug, it's periodical dry docking  
13 for regulator purposes, ABS, Coast Guard, but it  
14 doesn't necessarily increase its value. It  
15 doesn't increase its value. What you're doing  
16 is maintaining -- you're just maintaining the  
17 tug in the condition that it's expected to be,  
18 and which was above satisfactory in 2024, but  
19 periodical maintenance is part of the overhead  
20 of running that tug.  
21 Q. So did you add any value to the tug  
22 that you evaluated for the date June 15, 2024  
23 based on a later overhaul?  
24 A. I did not add value to the tug's value  
25 in 2024 for something done in 2025, no.

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<p style="text-align: right;">Page 17</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. Okay, you cleared it up.</p> <p>3 A. Okay.</p> <p>4 Q. Are you aware of how much the 2024-2025</p> <p>5 overhaul cost Carver?</p> <p>6 A. I'm not sure I've seen the numbers for</p> <p>7 that.</p> <p>8 Q. When you say maintenance, when new</p> <p>9 parts are put in, you consider that maintenance?</p> <p>10 A. To replace old parts, yes.</p> <p>11 Q. And explain why after replacing parts</p> <p>12 and putting in new steel and other things,</p> <p>13 whether it's electronics, whether it's the hull,</p> <p>14 whether it's the engine, why that vessel that's</p> <p>15 gone through an extensive overhaul is not worth</p> <p>16 more than before the overhaul as far as market</p> <p>17 value, can you explain that in your opinion?</p> <p>18 MR. CHAPMAN: Objection to form.</p> <p>19 Q. You can answer.</p> <p>20 A. The nature of the work carried out was</p> <p>21 to maintain the tug's status, so this does not</p> <p>22 necessarily increase the value of a tug. It</p> <p>23 actually doesn't. And if I may, last year I had</p> <p>24 examples of valuations on fishing vessels, a</p> <p>25 passenger vessel, where, for example, the</p>	<p style="text-align: right;">Page 19</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. Is it fair to say as you sit here today</p> <p>3 you do not know what items required by ABS were</p> <p>4 completed during the 2024-2025 overhaul; is that</p> <p>5 correct?</p> <p>6 A. I don't recall reading the ABS report,</p> <p>7 but I would imagine that the steelwork that was</p> <p>8 carried out was to comply with the ABS</p> <p>9 requirements certainly.</p> <p>10 Q. As you sit here today, do you know</p> <p>11 whether this was classed with ABS, or was it a</p> <p>12 load line; do you know one way or the other?</p> <p>13 A. I believe it was classed with ABS.</p> <p>14 Q. Where did you get that information?</p> <p>15 A. Or it may be just a load line, but ABS</p> <p>16 were in attendance. I believe it's mentioned in</p> <p>17 the Meyerrose report.</p> <p>18 Q. So you're relying on the Meyerrose</p> <p>19 report to determine if it was classed by ABS?</p> <p>20 A. I may have looked elsewhere.</p> <p>21 Q. Did you check the ABS register?</p> <p>22 A. No, I didn't check the ABS register,</p> <p>23 no.</p> <p>24 Q. Do you know the difference between a</p> <p>25 vessel which is classed by a classification</p>
<p style="text-align: right;">Page 18</p> <p>1 J. S. POULSON, MSc</p> <p>2 passenger vessel owner invested over a million</p> <p>3 dollars in its dry docking, and my valuation,</p> <p>4 which was accepted, because I explained what</p> <p>5 you're doing is only maintaining. Yes, there is</p> <p>6 an element of upgrade, but my valuation at the</p> <p>7 end was less than what was spent on that vessel.</p> <p>8 So maintaining a tug will not increase its</p> <p>9 value. It will maintain its value.</p> <p>10 Q. Do you know what was done to the</p> <p>11 tugboat specifically during the 2024-2025</p> <p>12 overhaul?</p> <p>13 A. There was steelwork done in the ballast</p> <p>14 tanks, the forepeak, some steelwork on the hull,</p> <p>15 there was engine overhauls.</p> <p>16 Q. Did you review the ABS files with</p> <p>17 regard to this vessel? Let me rephrase that.</p> <p>18 Were you given to review the ABS file that we</p> <p>19 obtained through subpoena regarding the</p> <p>20 Mackenzie Rose?</p> <p>21 A. Let me just check my list of</p> <p>22 documentation, please.</p> <p>23 (Witness scanning document).</p> <p>24 A. I don't see it in the documentation</p> <p>25 reviewed in my report, so possibly not.</p>	<p style="text-align: right;">Page 20</p> <p>1 J. S. POULSON, MSc</p> <p>2 society and one that issues a load line?</p> <p>3 A. Yes.</p> <p>4 Q. What's the difference, to your</p> <p>5 knowledge?</p> <p>6 A. Load line is a load line, and it</p> <p>7 doesn't include machinery.</p> <p>8 Q. And could you describe what your</p> <p>9 understanding of load line certification is,</p> <p>10 generally, with the class societies?</p> <p>11 A. It is certification of the hull, its</p> <p>12 integrity to the main deck, watertight integrity</p> <p>13 throughout the vessel, all deck openings --</p> <p>14 integrity, hull integrity.</p> <p>15 Q. And you recently inspected the vessel,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. And based on that investigation, did</p> <p>19 your opinions change at all about this vessel,</p> <p>20 this tugboat?</p> <p>21 A. No.</p> <p>22 Q. Let's go to your report. On page 5 you</p> <p>23 state, The tug has evidently been maintained to</p> <p>24 a standard under the current ownership that</p> <p>25 would not detract from its value. Do you see</p>



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1 J. S. POULSON, MSc

2 that on page 5?

3 A. Yes.

4 Q. And when you say evidently been

5 maintained to a standard, could you describe

6 what you mean by that?

7 A. That it was satisfactory. There was

8 nothing about it that would detract from its

9 value.

10 Q. So you found it to be shipshape; is

11 that fair to say?

12 A. I don't use the term shipshape.

13 Q. What do you use?

14 A. Satisfactory.

15 Q. And is there any higher standard in

16 your parlance or your industry, or is

17 satisfactory the standard you use?

18 A. It's a well-used term. On occasion, I

19 will expand upon that if it's particularly

20 outstanding in its condition, if you'd like.

21 Q. And, again, satisfactory is generally

22 what you refer to a vessel when it's maintained

23 correctly; is that fair to say?

24 A. Yes.

25 Q. Now, could you briefly go through your

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1 J. S. POULSON, MSc

2 education starting after secondary school?

3 A. I left grammar school in the UK in

4 1975. I joined my first shipping company, The

5 Bank Line Ltd, at 16, where I did my first

6 studies for National Diploma in Marine

7 Engineering, which was combined with warship

8 time, followed by a year of sea time, followed

9 by another two years of study towards my

10 professional certificates. This is at South

11 Shield Marine College in the UK. After that, I

12 went to sea as a junior engineer and progressed

13 through the ranks to chief engineer by 1987. I

14 did my professional licenses along the way. In

15 1986, I obtained my Class 1 Certificate of

16 Competency Unlimited, and later in life I took

17 my Masters degree at the University of

18 Portsmouth in the UK.

19 Q. So on the degrees you listed, as I

20 understand, in the UK a Master's is equivalent

21 to a Bachelor's, or is that not true?

22 A. Same system.

23 Q. So where did you get your Bachelor's or

24 equivalent of your Bachelor's?

25 A. My Class 1 certificate and war

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1 J. S. POULSON, MSc

2 experience was accepted for study in a Master's

3 program.

4 Q. So are you referring to what you call

5 the National Diploma in Marine Engineering?

6 A. No, the First Class 1 Certificate of

7 Competency in Marine Engineering Unlimited

8 issued by the UK Government, Department of

9 Transport.

10 Q. So with that, you're then eligible to

11 apply for a Masters degree?

12 A. With supporting work or career

13 experience.

14 Q. On page 10, paragraph 6.6, you say, In

15 2024, PMC carried out 17 condition and valuation

16 surveys of vessels for insurance or pre-purchase

17 purposes; do you see that?

18 A. Yes.

19 Q. How many of those were tugs?

20 A. Seven tugs.

21 Q. What were the rest?

22 A. Some barges, one or two fishing

23 vessels, a passenger vessel, an oyster farm

24 tender vessel. In addition to that, I did a

25 floating marina facility evaluation on a

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2 shipyard during its purchase in Philadelphia.

3 Q. What category of tug would you put the

4 Mackenzie Rose in?

5 A. It's a towing vessel.

6 Q. Is it ocean-going, is it a harbor tug?

7 What's your understanding of what type of tug it

8 is?

9 A. Coastwise towing vessel.

10 Q. Is it your understanding it's not fit

11 for harbor work due to its size; would you agree

12 with that?

13 MR. CHAPMAN: Objection to form.

14 Q. You can answer.

15 A. I'm sorry, could you explain?

16 Q. I'll rephrase it. Do you know the

17 difference between a harbor tug and an ocean-

18 going tug?

19 MR. CHAPMAN: Objection to form.

20 Q. You can answer.

21 A. In principle, yes.

22 Q. Is the ocean-going tug generally

23 larger?

24 A. Not necessarily.

25 Q. Is it generally configured differently

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1 J. S. POULSON, MSc  
2 than a harbor?  
3 MR. CHAPMAN: Objection to form.  
4 A. It can be.  
5 Q. Explain the difference in  
6 configuration, to your understanding.  
7 A. Principally, a harbor tug may not have  
8 a main towing winch. It may or it may not.  
9 Q. Any other difference?  
10 A. The whole form would generally be  
11 different for a tug coastwise, and then  
12 ocean-going tugs would have a different form,  
13 generally.  
14 Q. Can you describe each form generally,  
15 the form of an ocean-going tug and the form of a  
16 harbor tug?  
17 MR. CHAPMAN: Objection to form.  
18 Q. You can answer.  
19 A. Ocean-going, I would say, normally  
20 would have a forceful raised bow, harbor tugs  
21 less so, generally without a winch. As far as  
22 construction is concerned, similar  
23 accommodation, wheelhouse navigation. Machinery  
24 --  
25 Q. Similar machinery?

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1 J. S. POULSON, MSc  
2 MR. CHAPMAN: Objection to form.  
3 Q. Similar machinery?  
4 A. Similar, engines-wise, yes.  
5 Q. So you earlier described the Mackenzie  
6 Rose as ocean-going, correct?  
7 MR. CHAPMAN: Objection to form.  
8 A. I believe I described it as a towing  
9 vessel coastwise.  
10 Q. And describe what that means  
11 specifically.  
12 A. A tug of the form of Mackenzie Rose is  
13 characteristic of a towing vessel suited for  
14 coastwise towing.  
15 Q. It's generally not designed to be a  
16 harbor tug; is that a fair statement?  
17 MR. CHAPMAN: Objection to form.  
18 A. It depends what it's being asked to do  
19 in a harbor. It can tow in a harbor certainly.  
20 It can move barges around any harbor. It can  
21 move anything, anywhere, really, where there is  
22 no draft restriction for the tug. I don't think  
23 there's any restriction on its operation other  
24 than that.  
25 Q. So it's your testimony that a towing

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1 J. S. POULSON, MSc  
2 vessel coastwise tug can be used as a harbor  
3 tug; is that your testimony?  
4 MR. CHAPMAN: Objection to form.  
5 A. A tug will go in and out of harbors as  
6 part of its routine performance.  
7 Q. In your experience, are you familiar  
8 with any companies in the ports that  
9 specifically run harbor tugs?  
10 MR. CHAPMAN: Objection to form.  
11 A. Yes.  
12 Q. What are those companies that you know  
13 of?  
14 A. The two main companies are McAllister  
15 and Moran in New York.  
16 Q. Have you surveyed any of their tugs  
17 during your career?  
18 A. Yes.  
19 Q. Have you ever surveyed any of their  
20 tugs that would be classified as a harbor tug?  
21 A. Yes.  
22 Q. And they also have towing vessel coast-  
23 wise tugs, right?  
24 MR. CHAPMAN: Objection to form.  
25 A. Yes, they do.

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1 J. S. POULSON, MSc  
2 Q. McAllister and Moran, correct?  
3 A. Yes.  
4 Q. Any other companies in New York that  
5 you can think of?  
6 A. For ship assists, McAllister and Moran  
7 are the two principal companies, New York,  
8 Philadelphia, Baltimore, Eastern Seaboard.  
9 There are a multitude of companies operating  
10 within the harbor with towing vessels.  
11 Q. When you surveyed McAllister and Moran  
12 harbor tugs, were they -- let's go with  
13 McAllister, you surveyed a McAllister harbor  
14 tug, correct?  
15 A. They operate in the harbor, but they're  
16 towing vessels as well. They're tugs I surveyed  
17 for 30 years now.  
18 Q. You earlier answered that McAllister  
19 and Moran have both harbor tugs and coastwise.  
20 A. They have tugs that you would call  
21 ship-assist tugs now, and they have towing tugs,  
22 but the towing tugs have been used for ship  
23 assists, as well, I know that.  
24 Q. What is a ship-assist tug? Is that  
25 what I'm calling a harbor tug, or is that

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<p style="text-align: right;">Page 29</p> <p>1 J. S. POULSON, MSc</p> <p>2 something else?</p> <p>3 A. I'm not sure what you're calling a</p> <p>4 harbor tug, but I think you mean ship assists,</p> <p>5 as well as assisting vessels to berth and at</p> <p>6 berth.</p> <p>7 Q. Okay, I'm going to adopt that because</p> <p>8 you're the expert. A ship assist then is</p> <p>9 generally what a company like McAllister would</p> <p>10 use to bring in vessels and help vessels depart</p> <p>11 ports; is that fair to say?</p> <p>12 A. Ship assist, yes, that's the</p> <p>13 description, yes.</p> <p>14 Q. Have you ever done a condition and</p> <p>15 valuation report for a ship-assist tug?</p> <p>16 A. Not in my recollection.</p> <p>17 Q. In your opinion, would a ship-assist</p> <p>18 tug have a different market than a towing vessel</p> <p>19 coastwise tug?</p> <p>20 A. There are dedicated harbor tugs that I</p> <p>21 have surveyed for various reasons, and they have</p> <p>22 a different configuration, yes.</p> <p>23 (Whereupon, the last question was read</p> <p>24 back.)</p> <p>25 A. There are dedicated -- what you were</p>	<p style="text-align: right;">Page 31</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. They're two different categories. The</p> <p>3 value is in the value to the owner of the tug</p> <p>4 and the business that he has for the tug.</p> <p>5 That's a hard question to answer. I don't think</p> <p>6 -- you're comparing apples with oranges if we're</p> <p>7 talking about dedicated harbor tugs.</p> <p>8 Q. I'm not asking about the value to the</p> <p>9 owner but generally the dollar value in the</p> <p>10 market, not a specific owner.</p> <p>11 MR. CHAPMAN: Objection to form.</p> <p>12 A. It would depend on specifications,</p> <p>13 absolutely.</p> <p>14 Q. Which would generally be higher, I</p> <p>15 think, in the market, a ship-assist tug or a</p> <p>16 coastwise tug?</p> <p>17 MR. CHAPMAN: Objection to form.</p> <p>18 A. It depends entirely on its construction</p> <p>19 specifications.</p> <p>20 Q. If you go to page 11, I think you</p> <p>21 described Figure 2 but not figure 1 -- okay, you</p> <p>22 do on page 10. I'm reading from 6.6, your</p> <p>23 paragraph, In researching comparable tugs, tugs</p> <p>24 with the principal particulars in the table,</p> <p>25 Figure 1 below, were offered for sale in 2024.</p>
<p style="text-align: right;">Page 30</p> <p>1 J. S. POULSON, MSc</p> <p>2 referring to as -- there are dedicated harbor</p> <p>3 tugs used only -- I wouldn't say only. They're</p> <p>4 used principally for ship assists, berthing and</p> <p>5 unberthing, but would still be used for towing</p> <p>6 within harbor limits.</p> <p>7 MR. RODGERS: Strike that as</p> <p>8 unresponsive.</p> <p>9 Q. That wasn't the question.</p> <p>10 MR. CHAPMAN: I object. He did answer</p> <p>11 the question.</p> <p>12 (Whereupon, the last question was read</p> <p>13 back.)</p> <p>14 A. If it's a dedicated harbor tug, yes.</p> <p>15 Q. In your experience and opinion, would a</p> <p>16 ship-assist tug have a lesser or greater value</p> <p>17 than a coastwise tug?</p> <p>18 MR. CHAPMAN: Objection to form.</p> <p>19 A. If you're comparing a dedicated ship-</p> <p>20 assist harbor tug with a towing tug, there may</p> <p>21 be a difference in values, yes.</p> <p>22 Q. Generally, in your opinion, is one of a</p> <p>23 higher fair market value than the other,</p> <p>24 generally?</p> <p>25 MR. CHAPMAN: Objection to form.</p>	<p style="text-align: right;">Page 32</p> <p>1 J. S. POULSON, MSc</p> <p>2 And then you have Figure 1 on page 11; do you</p> <p>3 see that?</p> <p>4 A. Yes.</p> <p>5 Q. And you had one built in 1970, right?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what type of tug that was</p> <p>8 as you sit here today?</p> <p>9 A. Yes.</p> <p>10 Q. What type of tug was it, the 1970 tug?</p> <p>11 A. It was a similar. That's just an older</p> <p>12 -- similar configuration to the Mackenzie Rose.</p> <p>13 It was --</p> <p>14 (Crosstalk)</p> <p>15 Q. Can you give a name?</p> <p>16 A. I don't have a name. It was taken from</p> <p>17 a broker's portal.</p> <p>18 Q. Sorry, a broker's what?</p> <p>19 A. Website or portal. This owner is</p> <p>20 actually ABS-classed East Coast and had AICO</p> <p>21 engines, I believe.</p> <p>22 Q. Is there any indication that the</p> <p>23 engines had been replaced during its lifetime?</p> <p>24 A. No. It was as-offered with the same</p> <p>25 engines.</p>



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1 J. S. POULSON, MSc  
2 Q. It was ABS-classed, correct?  
3 A. Yes. I believe so.  
4 Q. Are you aware the Mackenzie Rose is not  
5 ABS-classed?  
6 A. Yes.  
7 Q. It has a load line, correct?  
8 A. It has an ABS load line, yes. I saw  
9 that during the survey.  
10 Q. Did you get any information on the 1970  
11 tug, whether it had been through any overhauls  
12 in its lifetime?  
13 A. There were comments on its maintenance.  
14 Q. Do you recall what the comments were?  
15 (Witness scanning document).  
16 Q. Are you looking through different  
17 documents than your report?  
18 A. I'm looking at the document for the  
19 offer. It describes a towing winch, double  
20 drum, 2,700 feet of two-inch tow wire, ABS Class  
21 towing machinery, A1 towing, all oceans, current  
22 USCG, Subchapter M COI.  
23 Q. And it's length is 16 feet longer than  
24 the Mackenzie Rose, correct?  
25 A. 112 feet long.

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1 J. S. POULSON, MSc  
2 Q. The Mackenzie Rose you had as 96 feet?  
3 A. I believe so, yes.  
4 Q. 96.4. So it was a larger tug than the  
5 Mackenzie Rose, correct?  
6 MR. CHAPMAN: Objection to form.  
7 A. It was a little bit bigger, yes.  
8 Q. And you listed the horsepower at 4100,  
9 right?  
10 A. Actually, that's an error on my part.  
11 Q. What's the horsepower?  
12 A. It's 4,370.  
13 Q. Do you know what the horsepower is on  
14 the Mackenzie Rose?  
15 A. 4,200.  
16 Q. And that 1970 vessel you listed as a  
17 comparable tug to the Mackenzie Rose?  
18 A. Based on size and the horsepower and  
19 towing winch, yes. When I was researching  
20 comparables, there weren't many; in fact, I  
21 couldn't find any at the time built in 2000, or  
22 the year I was looking for. The reason I have  
23 the valuations from 2024, is that I was carrying  
24 out a condition and valuation survey on not a  
25 sister tug but another tug built by the same

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1 J. S. POULSON, MSc  
2 yard that built the Mackenzie Rose. The survey  
3 was on April 8th or 9th, 2024. I issued my  
4 report on April 29, 2024. And I was looking for  
5 comparables between the date of survey -- at  
6 some point between the date of survey, issuing  
7 my report on April 29, 2024, to give a value for  
8 the tug that I surveyed at that time.  
9 Q. You said it was the same yard but not a  
10 sister tug?  
11 A. It was slightly different.  
12 Q. What was the name?  
13 A. It is the Saint Emillion,  
14 E-M-I-L-L-I-O-N.  
15 Q. Do you know who owns that?  
16 MR. CHAPMAN: You mean currently?  
17 Q. Do you know who owned it when you  
18 surveyed it?  
19 A. At the time, I believe the owner was  
20 Apex Oil, but I can't -- I don't think it's  
21 possible to be absolutely certain who is the  
22 actual owner, but I believe if they weren't the  
23 owners, the operator was Apex Oil.  
24 Q. But that's not on this chart?  
25 A. No.

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1 J. S. POULSON, MSc  
2 Q. You did your condition survey before  
3 you did this report on the Saint Emillion?  
4 A. This was in 2024 in April, at the end  
5 of April 2024.  
6 Q. And was the Saint Emillion a coastwise  
7 tug?  
8 A. Yes. She's the same configuration as  
9 the Mackenzie Rose.  
10 Q. Why didn't you put it in this chart?  
11 A. That chart is comparables from external  
12 sources. My valuation of the Saint Emillion was  
13 my valuation.  
14 Q. What is your valuation of that?  
15 A. The Saint Emillion, the fair market  
16 value I gave is \$4.8 million.  
17 Q. And did you do that prior to a sale?  
18 A. It was for insurance purposes.  
19 Q. And do you know if it was sold since  
20 then?  
21 A. I don't. The survey was the tug and  
22 the barge that it generally moves.  
23 Q. So you didn't put that in your chart  
24 because you had determined the value, correct?  
25 A. That's correct.

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<p style="text-align: right;">Page 37</p> <p>1 J. S. POULSON, MSc</p> <p>2 (Whereupon, recess was taken.)</p> <p>3 Q. Getting back to your report, page 11,</p> <p>4 you listed a 2006 tug; do you see that?</p> <p>5 MR. CHAPMAN: You're talking about</p> <p>6 Figure 1?</p> <p>7 A. Yes.</p> <p>8 Q. And do you know the name of that tug?</p> <p>9 A. I don't. Typically, when brokers are</p> <p>10 offering vessels for sale, they don't publish</p> <p>11 names or IMO number for confidentiality reasons.</p> <p>12 Sellers generally don't wish it to be public</p> <p>13 that they are selling assets necessarily. So</p> <p>14 to get further would require a potential buyer</p> <p>15 or an agent of a buyer or another broker to get</p> <p>16 further details than that.</p> <p>17 Q. What was the website you were looking</p> <p>18 for the 2006 tug?</p> <p>19 A. That is Ocean Marine.</p> <p>20 Q. Is that the same with all those listed?</p> <p>21 A. I may have looked elsewhere, but I find</p> <p>22 Ocean Marine to be useful. They usually have a</p> <p>23 wide inventory on there. It's Ocean Marine</p> <p>24 Brokerage Services, Louisiana.</p> <p>25 Q. What is Marcon Tug Market Reports? You</p>	<p style="text-align: right;">Page 39</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. She's slightly longer. The</p> <p>3 configuration is exactly the same. There is a</p> <p>4 difference in the machinery, but to look at, the</p> <p>5 tugs are very similar -- well, as you might</p> <p>6 expect; they're built by Sea Boats in the same</p> <p>7 yard.</p> <p>8 Q. What was the horsepower of the Saint</p> <p>9 Emillion?</p> <p>10 A. 4,800.</p> <p>11 Q. So that's more horsepower than the</p> <p>12 Mackenzie Rose, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what year the Saint</p> <p>15 Emillion was built?</p> <p>16 A. The Saint Emillion was built in 2008 by</p> <p>17 Sea Boats Shipyard, Fall River.</p> <p>18 Q. So it's a newer tug than the Mackenzie</p> <p>19 Rose, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And has a higher horsepower.</p> <p>22 A. 300 or so horsepower. I've seen two</p> <p>23 numbers for the Mackenzie Rose, 4,200 and 4,500.</p> <p>24 Q. And all the numbers in figure 1 you did</p> <p>25 not specifically look up for this assignment,</p>
<p style="text-align: right;">Page 38</p> <p>1 J. S. POULSON, MSc</p> <p>2 listed that on page 9 in your documentation.</p> <p>3 A. Yes, Marcon. They're prominent in the</p> <p>4 tug market. They issue reports on the state of</p> <p>5 the market for tugs generally worldwide and in</p> <p>6 the U.S.</p> <p>7 Q. Did you refer to that on any of the</p> <p>8 items in figure 1?</p> <p>9 A. No.</p> <p>10 Q. On the 2006 tug, was that a comparable</p> <p>11 tug comparable to the Mackenzie Rose?</p> <p>12 A. It's less power, it's not quite as old.</p> <p>13 At that time I focused on what I could find at</p> <p>14 the time, in 2004. As I said, I was researching</p> <p>15 for the valuation on the Saint Emillion at the</p> <p>16 time, so given that this is all relevant to</p> <p>17 2004, these are what I could find at that time.</p> <p>18 Q. Were these figures something you</p> <p>19 derived at when you were working on the Saint</p> <p>20 Emillion survey?</p> <p>21 A. Yes. And relevant, given that the</p> <p>22 Saint Emillion is similar to the McKenzie Rose,</p> <p>23 not identical but similar.</p> <p>24 Q. What's the difference between the Saint</p> <p>25 Emillion and the Mackenzie Rose?</p>	<p style="text-align: right;">Page 40</p> <p>1 J. S. POULSON, MSc</p> <p>2 correct? You looked those up when you were</p> <p>3 doing the Saint Emillion survey; is that</p> <p>4 correct?</p> <p>5 A. Yes, in April 2024. Hence, the</p> <p>6 relevance to my report.</p> <p>7 Q. And getting back to your figure, the</p> <p>8 2011 vessel, do you remember what type of tug</p> <p>9 that was?</p> <p>10 A. Yes, I can tell you, similar</p> <p>11 configuration.</p> <p>12 Q. What do you mean by that, similar</p> <p>13 configuration?</p> <p>14 A. As a towing tug, winch, twin screw.</p> <p>15 Q. It's 24 feet longer, correct?</p> <p>16 A. It is 111 feet in length, so that's 14</p> <p>17 or 15 feet longer, maybe 14.</p> <p>18 Q. It says 120 on your chart.</p> <p>19 MR. CHAPMAN: Objection to form.</p> <p>20 A. I think that's an overall. The</p> <p>21 registered length is 111.</p> <p>22 Q. So what is 120?</p> <p>23 A. Sometimes they call length overall,</p> <p>24 which would include the bow extension, if you'd</p> <p>25 like, bow flare, an overall length. And a</p>

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<p style="text-align: right;">Page 41</p> <p>1 J. S. POULSON, MSc</p> <p>2 registered length would be at the waterline.</p> <p>3 Q. What's the registered length of the</p> <p>4 Mackenzie Rose?</p> <p>5 A. I'm not sure I have it.</p> <p>6 Q. You said length overall in the report</p> <p>7 on page 4.</p> <p>8 A. Okay.</p> <p>9 Q. When you say length overall, 96.4 feet,</p> <p>10 and then when you put 120 feet on the 2011 tug,</p> <p>11 are you using the same measure?</p> <p>12 A. Those are the stated dimensions, that's</p> <p>13 all I can say.</p> <p>14 Q. So the 2011 is approximately 24 feet</p> <p>15 longer, correct, according to the numbers on the</p> <p>16 chart and the numbers on page 4 of your report?</p> <p>17 A. Based on that, yes.</p> <p>18 Q. And what more do you know about the</p> <p>19 2011 tug?</p> <p>20 A. It's ABS load line. It has, I believe,</p> <p>21 Caterpillar main engines, tilted main ironworks</p> <p>22 with a Markey towing winch.</p> <p>23 Q. Do you know what type of towing winch</p> <p>24 was on the Mackenzie Rose?</p> <p>25 A. Yes. In 2024, it was reported to be a</p>	<p style="text-align: right;">Page 43</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. In other words, chosen by the yards</p> <p>3 when they build the tugs?</p> <p>4 A. The yard will offer the engines that</p> <p>5 they would like to build the tug with, and it's</p> <p>6 up to the owner to specify otherwise, if they</p> <p>7 wish.</p> <p>8 Q. When you say well-used, you mean in the</p> <p>9 industry, chosen more than another type of</p> <p>10 engine currently, or what do you mean by that?</p> <p>11 A. In the U.S. they're frequently chosen,</p> <p>12 yes.</p> <p>13 Q. Does that, in your opinion, affect the</p> <p>14 value during a survey, whether it's a</p> <p>15 Caterpillar or an ALCO?</p> <p>16 A. No.</p> <p>17 Q. Now 2005, you have a vessel, again,</p> <p>18 it's 120 feet and 4,800 horsepower. So that</p> <p>19 vessel is larger and more horsepower than the</p> <p>20 Mackenzie Rose, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Was that a coastwise-only vessel, or</p> <p>23 was it a combination of coastwise and ship</p> <p>24 assist or something else?</p> <p>25 A. There is no information on this. I can</p>
<p style="text-align: right;">Page 42</p> <p>1 J. S. POULSON, MSc</p> <p>2 Johnson.</p> <p>3 Q. Is there any difference in those towing</p> <p>4 winches?</p> <p>5 A. Same function, similar configuration,</p> <p>6 different maker.</p> <p>7 Q. What about, is there a difference with</p> <p>8 ALCO diesel engines and Caterpillar, in your</p> <p>9 opinion?</p> <p>10 A. The ALCO is an older design engine, a</p> <p>11 bigger engine physically.</p> <p>12 Q. When you say older, you mean the design</p> <p>13 or the manufacturer?</p> <p>14 A. The design.</p> <p>15 Q. So is the Caterpillar considered an</p> <p>16 upgraded version of an engine for a tug?</p> <p>17 MR. CHAPMAN: Objection to form.</p> <p>18 A. Not in my opinion.</p> <p>19 Q. What about the opinion of the industry?</p> <p>20 MR. CHAPMAN: Objection to form.</p> <p>21 Q. If you know?</p> <p>22 A. They're a well-used engine. From my</p> <p>23 own experience, not the best engines, but</p> <p>24 they're used a lot in the industry, certainly,</p> <p>25 of course.</p>	<p style="text-align: right;">Page 44</p> <p>1 J. S. POULSON, MSc</p> <p>2 see just similar a configuration as the towing</p> <p>3 winch, that's the length, horsepower --</p> <p>4 (Crosstalk)</p> <p>5 Q. In Figure 1, were these sale prices or</p> <p>6 what the broker put them up for?</p> <p>7 A. This is from the broker's site.</p> <p>8 Q. Was it a sale price, or was it the</p> <p>9 price that it was being offered for?</p> <p>10 A. I take it to be the offer price.</p> <p>11 Q. Is it fair to say on Figure 1 you don't</p> <p>12 actually know what the sale price was for any of</p> <p>13 those, is that fair to say, the final sale price</p> <p>14 that it actually sold for?</p> <p>15 A. Yes, that's fair to say. In the final</p> <p>16 analysis of transaction, that's an unknown.</p> <p>17 Q. Well, there's publications you can go</p> <p>18 to, right, to see what the final sale prices</p> <p>19 were on certain tugs or vessels?</p> <p>20 A. I've not gone there.</p> <p>21 Q. But are there publications where you</p> <p>22 can research and see what final sale prices are?</p> <p>23 A. There may be, but I'm not aware of</p> <p>24 them -- well, let me correct that. There are</p> <p>25 some, yes. There are some, yes. There is a</p>

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<p style="text-align: right;">Page 45</p> <p>1 J. S. POULSON, MSc</p> <p>2 website company I was frequently in touch with,</p> <p>3 Compass Maritime, who did publish actual sales.</p> <p>4 But again, that's to the best of their</p> <p>5 knowledge. The final details of a transaction</p> <p>6 are privy really to the buyer and the seller.</p> <p>7 Q. Would you agree that fair market value</p> <p>8 is what's actually paid for an item?</p> <p>9 A. Fair market value, as defined, is an</p> <p>10 agreed price between a willing seller and a</p> <p>11 willing buyer.</p> <p>12 Q. So none of these figures in Figure 1</p> <p>13 are fair market values, correct?</p> <p>14 MR. CHAPMAN: Objection to form.</p> <p>15 A. They're offer prices.</p> <p>16 Q. And on your definition of fair market</p> <p>17 value, this Figure 1 does not indicate any</p> <p>18 actual fair market values for these vessels,</p> <p>19 correct, under your definition?</p> <p>20 MR. CHAPMAN: Objection to form.</p> <p>21 Q. You can answer.</p> <p>22 A. I think they're presented as the fair</p> <p>23 market value for sale. The seller is intent on</p> <p>24 selling, obviously they're there for an offer of</p> <p>25 what they consider to be fair market value.</p>	<p style="text-align: right;">Page 47</p> <p>1 J. S. POULSON, MSc</p> <p>2 MR. CHAPMAN: Objection to form.</p> <p>3 (Colloquy crosstalk)</p> <p>4 Q. So basically, you have half of the fair</p> <p>5 market value represented in Figure 1, correct?</p> <p>6 You have the offer price, correct?</p> <p>7 MR. CHAPMAN: Objection to form.</p> <p>8 Q. You can answer if you understand it.</p> <p>9 A. Yes.</p> <p>10 Q. And then, in order to get the fair</p> <p>11 market value under your definition, you would</p> <p>12 have to have gotten what the buyer agreed to pay</p> <p>13 for it, correct?</p> <p>14 MR. CHAPMAN: Objection to form.</p> <p>15 Q. Is that correct?</p> <p>16 A. Whatever the final sale price would be,</p> <p>17 it would be an agreed price. The buyer may have</p> <p>18 a different idea as to what the fair market</p> <p>19 value is to what the seller does, and they would</p> <p>20 negotiate a final number based on what the</p> <p>21 seller considers to be what he thinks is the</p> <p>22 fair market value.</p> <p>23 Q. And based on what the buyer considers</p> <p>24 what he thinks the fair market value is, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 46</p> <p>1 J. S. POULSON, MSc</p> <p>2 (Whereupon, the last portion of</p> <p>3 testimony was read back.)</p> <p>4 Q. So Mr. Poulson, that's your definition</p> <p>5 of fair market value, correct?</p> <p>6 MR. CHAPMAN: Objection to form.</p> <p>7 Q. Correct?</p> <p>8 A. Yes. It's not just mine. It's an</p> <p>9 industry-accepted definition for fair market</p> <p>10 value.</p> <p>11 Q. So Figure 1, under your definition, is</p> <p>12 not a fair market value, correct, it's just the</p> <p>13 offer price?</p> <p>14 MR. CHAPMAN: Objection to form.</p> <p>15 A. It's what the seller considers to be a</p> <p>16 fair market value.</p> <p>17 Q. But it's not a fair market value as to</p> <p>18 the definition that was just read to you,</p> <p>19 correct, that you answered?</p> <p>20 MR. CHAPMAN: Objection to form.</p> <p>21 A. Well, if a buyer agrees to the offer</p> <p>22 price, then it would be agreed between a willing</p> <p>23 buyer and a willing seller.</p> <p>24 Q. But you don't have that information in</p> <p>25 Figure 1, right? You just have the offer.</p>	<p style="text-align: right;">Page 48</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. And then, the negotiated price is the</p> <p>3 fair market value, pursuant to your definition,</p> <p>4 correct?</p> <p>5 A. The negotiated price, yes.</p> <p>6 Q. And just to be clear, that negotiated</p> <p>7 fair market value price is not reflected in the</p> <p>8 figures or numbers in Figure 1, correct?</p> <p>9 MR. CHAPMAN: Objection to form.</p> <p>10 Q. Correct?</p> <p>11 A. It's the offer price in Figure 1.</p> <p>12 Q. Thank you. And then, if we go to</p> <p>13 Figure 2, I'm not sure, when you say insured</p> <p>14 value, if you can educate me here. Do you</p> <p>15 consider fair market value and insured value to</p> <p>16 be the same or something different?</p> <p>17 MR. CHAPMAN: Objection to form.</p> <p>18 A. They can be different, but, generally,</p> <p>19 they follow the market value.</p> <p>20 Q. When you say generally, in your</p> <p>21 opinion, the market value is the insured value?</p> <p>22 A. Not necessarily. An insured value is a</p> <p>23 negotiated value between the owner and the</p> <p>24 insurers, but the insurers will look to the</p> <p>25 market value when accepting the placing of the</p>



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1 J. S. POULSON, MSc  
2 insurance. Owners may insure for higher or  
3 lower, it depends on how it's negotiated as far  
4 as the contract of insurance is concerned. The  
5 2006 tug, I did value in 2024.  
6 Q. So the 2006 tug that's in Figure 2,  
7 that's based on a valuation you did, or PMC did?  
8 A. Yes, PMC.  
9 Q. And the 6.75 was the insured value?  
10 A. Yes.  
11 Q. Who determined that, you or the  
12 insurance company or somebody else?  
13 A. I believe I valued the tug at  
14 \$6.5 million.  
15 Q. And that's got a higher horsepower, and  
16 it's about 15 feet longer than the Mackenzie  
17 Rose, correct?  
18 A. Correct.  
19 Q. And it was newer.  
20 A. Yes.  
21 Q. Were any of the others in Figure 2, the  
22 other vessels, evaluated by you?  
23 A. No.  
24 Q. So as you sit here today, do you know  
25 if the values that you said are insured values,

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1 J. S. POULSON, MSc  
2 do you know if those are fair market values or  
3 some other value, either higher than fair market  
4 value or lower than fair market value?  
5 A. I can only tell you that they're  
6 insured values.  
7 Q. And where would you have gotten that  
8 information?  
9 A. In the course of my other functions  
10 surveying.  
11 Q. So these are not vessels that you  
12 evaluated, but that you knew about from your  
13 work?  
14 MR. CHAPMAN: Objection to form.  
15 A. Yes. I've seen them, I've been on  
16 them, maybe all of them, but not valued them.  
17 Q. Again, is it fair to say other than the  
18 one that you valued at 6.5, the other vessels,  
19 you can't sit here today and tell me that those  
20 insured values are equal to the fair market  
21 values for those tugs, correct?  
22 MR. CHAPMAN: Objection to form.  
23 A. Like I told you, I didn't value the  
24 others, and I cannot say what the insured values  
25 are with respect to the market values.

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1 J. S. POULSON, MSc  
2 Q. Thank you. The Documents Reviewed, did  
3 you review any deposition transcripts in this  
4 case?  
5 A. I don't believe so.  
6 Q. So are you aware that Nick Laraway of  
7 Carver testified that the Mackenzie Rose was  
8 bought in 2020 for \$1 million?  
9 MR. CHAPMAN: Objection to form.  
10 A. I don't believe so.  
11 Q. Is that information that would have  
12 helped you with your valuation as to the market  
13 value?  
14 MR. CHAPMAN: Objection to form.  
15 A. I can't say either way under what  
16 circumstances the tug was bought, I'm not aware.  
17 Q. Assuming that it was bought for a  
18 million dollars in 2020, assuming that, would  
19 that have affected your valuation for your  
20 survey that you did for Mr. Chapman?  
21 A. No. Absent any other knowledge, my  
22 valuation is based on the physical styling of  
23 the tug as it was on June 15, 2024.  
24 Q. Well, according to your own definition,  
25 the fair market value is the negotiated price,

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1 J. S. POULSON, MSc  
2 correct, between buyer and seller; is that  
3 correct?  
4 MR. CHAPMAN: Objection to form.  
5 A. Yes.  
6 Q. And the last negotiated price between a  
7 buyer and a seller, assuming, since you haven't  
8 read his testimony, assuming that the last  
9 negotiated sale price of the Mackenzie Rose was  
10 in 2020, and it was for a million dollars, then  
11 you would agree that that was the most current  
12 fair market value of the Mackenzie Rose,  
13 correct?  
14 MR. CHAPMAN: Objection to form.  
15 A. I can only say that in my opinion, in  
16 2024, the fair market value was as I stated, \$4  
17 million.  
18 Q. And that's based on a number of  
19 formulas. Your first one, Comparable Sales  
20 Approach, you see that, 6.8?  
21 A. Yes.  
22 Q. And you listed your estimate, \$4  
23 million. What is that based on under the  
24 Comparable Sales approach?  
25 A. Comparable sales.



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<p style="text-align: right;">Page 53</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. In other words, comparable fair market</p> <p>3 value, right?</p> <p>4 A. Yes.</p> <p>5 Q. And you're basing the \$4 million in</p> <p>6 part on Figure 1, correct, the values in Figure</p> <p>7 1?</p> <p>8 A. In part, yes.</p> <p>9 Q. And you agree now as you sit here that</p> <p>10 those values that are in that chart are not fair</p> <p>11 market values, correct?</p> <p>12 MR. CHAPMAN: Objection to form.</p> <p>13 Q. Those are offer values, correct?</p> <p>14 A. They're offer values, and if the buyer</p> <p>15 met those values, then that would be the fair</p> <p>16 market value as stated in the offer price. But</p> <p>17 we don't know the finite details of the final</p> <p>18 transaction.</p> <p>19 Q. So they're not fair market values,</p> <p>20 correct?</p> <p>21 A. They're fair market values according to</p> <p>22 the seller.</p> <p>23 Q. And with Figure 2, other than the 2006</p> <p>24 tug, the other tugs, you cannot say as you sit</p> <p>25 here today whether the insured value equals the</p>	<p style="text-align: right;">Page 55</p> <p>1 J. S. POULSON, MSc</p> <p>2 Director of Administration of Carver Companies,</p> <p>3 okay?</p> <p>4 A. Okay.</p> <p>5 Q. That's not a question. I just want to</p> <p>6 make sure you understand that. And he was</p> <p>7 presented by Carver as a corporate witness, what</p> <p>8 we call a 30(b)(6) witness in this case, okay?</p> <p>9 A. Okay.</p> <p>10 Q. Which means his testimony presumably</p> <p>11 represents the company, okay? I'm just giving</p> <p>12 you some information so you're not looking at</p> <p>13 this in a vacuum. I'm going to go through some</p> <p>14 questions and answers. Mr. Chapman is</p> <p>15 questioning him, okay? And starting on page 32,</p> <p>16 the question was:</p> <p>17 "Question: How long has Carver owned</p> <p>18 the tug Mackenzie Rose?</p> <p>19 Answer: Since 2020.</p> <p>20 Question: How much did Carver pay for</p> <p>21 it when it was acquired?</p> <p>22 Answer: I believe it was approximately</p> <p>23 a million dollars.</p> <p>24 Question: \$1 million?</p> <p>25 Answer: Yes. Sorry."</p>
<p style="text-align: right;">Page 54</p> <p>1 J. S. POULSON, MSc</p> <p>2 fair market value of the other tugs, correct?</p> <p>3 A. Whether they are identical or not, no,</p> <p>4 but they would normally be close.</p> <p>5 Q. You don't know as you sit here today</p> <p>6 what they are, correct? You don't know what the</p> <p>7 fair market value was of the tugs in Figure 2,</p> <p>8 correct? Whether they're close or not, you</p> <p>9 don't know the fair market value, correct?</p> <p>10 MR. CHAPMAN: Objection to form.</p> <p>11 Q. Is that correct, sir?</p> <p>12 A. I didn't value them, but, presumably,</p> <p>13 somebody did to arrive at the insured value.</p> <p>14 Q. Your lawyer did not give you the</p> <p>15 deposition of Nicholas Laraway that was taken on</p> <p>16 June 17, 2025; is that correct?</p> <p>17 A. I don't believe so, but Counsel would</p> <p>18 be able to confirm that.</p> <p>19 Q. You don't recall reading any testimony,</p> <p>20 correct, in this case, for the witnesses for</p> <p>21 this case; is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. And I'll represent to you that on page</p> <p>24 9 of Mr. Laraway's deposition of June 17, 2025,</p> <p>25 he testified that his current title is Executive</p>	<p style="text-align: right;">Page 56</p> <p>1 J. S. POULSON, MSc</p> <p>2 And then the question on page 33:</p> <p>3 "Question: And after acquiring it, did</p> <p>4 Carver have any work done on it?</p> <p>5 Answer: There's been work done on it</p> <p>6 since we acquired it, yes.</p> <p>7 Question: Did it require -- I don't</p> <p>8 know -- refurbishing or anything to make it</p> <p>9 operational when you acquired it?</p> <p>10 Answer: Not that I recall.</p> <p>11 Question: Who was it acquired from?</p> <p>12 Answer: I believe it was Gellate,</p> <p>13 Gellatly, a company with a name that</p> <p>14 includes Gellatly or Gellatly, I don't</p> <p>15 recall the specific entity."</p> <p>16 Assuming that that is correct, what I just read</p> <p>17 to you from the 30(b)(6) witness from Carver,</p> <p>18 would it have been important for you to know</p> <p>19 what the sales price had been of the Mackenzie</p> <p>20 Rose before doing a valuation of the vessel in</p> <p>21 2024?</p> <p>22 MR. CHAPMAN: Objection to form.</p> <p>23 A. Not specifically. I looked at tugs</p> <p>24 without necessarily knowing any of the</p> <p>25 transaction history. Usually I don't know</p>

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<p style="text-align: right;">Page 57</p> <p>1 J. S. POULSON, MSc</p> <p>2 anything of the transaction history, acquisition</p> <p>3 prices or other negotiations. All I can offer</p> <p>4 is an opinion of it on the day as of.</p> <p>5 Q. Yes. But you testified that you based,</p> <p>6 in part, your assessment of \$4 million on a</p> <p>7 review of fair market values, correct?</p> <p>8 MR. CHAPMAN: Objection to form.</p> <p>9 A. Current.</p> <p>10 Q. And those fair market values in your</p> <p>11 definition would be the negotiated amount, the</p> <p>12 sales amount between the buyer and the seller,</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And usually when you do a fair market</p> <p>16 value analysis, you have to look at comparables,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. But here it was actually a last-known</p> <p>20 fair market value, an actual sale price of</p> <p>21 \$1 million, correct?</p> <p>22 MR. CHAPMAN: Objection to form.</p> <p>23 A. That's what you just told me, yes.</p> <p>24 Q. Assuming that I'm telling you the</p> <p>25 truth, and I'm reading this from a sworn</p>	<p style="text-align: right;">Page 59</p> <p>1 J. S. POULSON, MSc</p> <p>2 conditions, fair market value is what the buyer</p> <p>3 and seller agree, correct?</p> <p>4 MR. CHAPMAN: Objection to form.</p> <p>5 Q. Is that correct, sir?</p> <p>6 A. Yes.</p> <p>7 Q. And the last known fair market value</p> <p>8 for this vessel, actual fair market value with</p> <p>9 your formula, was 2020, it was a million</p> <p>10 dollars; do you agree with that?</p> <p>11 MR. CHAPMAN: Objection to form.</p> <p>12 Q. Based on what I read to you.</p> <p>13 A. The agreed sale price was a million</p> <p>14 dollars, I can agree to that, yes.</p> <p>15 MR. CHAPMAN: Object to the answer as</p> <p>16 nonresponsive.</p> <p>17 MR. RODGERS: Well, you're his lawyer,</p> <p>18 I don't think you can do that, but you did</p> <p>19 it.</p> <p>20 (Whereupon, the last question and</p> <p>21 answer were read back.)</p> <p>22 Q. And under your formula, the agreed sale</p> <p>23 price for any vessel is equivalent to the fair</p> <p>24 market value at that time, correct?</p> <p>25 MR. CHAPMAN: Objection to form.</p>
<p style="text-align: right;">Page 58</p> <p>1 J. S. POULSON, MSc</p> <p>2 deposition transcript, assuming that, then the</p> <p>3 last fair market value of this vessel prior to</p> <p>4 your valuation was 2020, when it sold for</p> <p>5 \$1 million, correct?</p> <p>6 MR. CHAPMAN: Objection to form.</p> <p>7 A. It was the agreed price.</p> <p>8 Q. It's the fair market value pursuant to</p> <p>9 the formula that you gave us earlier, correct?</p> <p>10 A. Perhaps we could say that they managed</p> <p>11 to acquire it for less than the fair market</p> <p>12 value through whatever the circumstances. I</p> <p>13 have no idea what the circumstances of the sale</p> <p>14 were.</p> <p>15 Q. Just like you have no idea what the</p> <p>16 circumstances are of any of the comparables you</p> <p>17 looked at, correct?</p> <p>18 MR. CHAPMAN: Objection to form.</p> <p>19 Q. Is that correct, sir?</p> <p>20 A. I know physical attributes of the</p> <p>21 vessels are out there.</p> <p>22 Q. I think you're evading the question,</p> <p>23 sir.</p> <p>24 MR. CHAPMAN: Objection to form.</p> <p>25 Q. You've given us a formula without</p>	<p style="text-align: right;">Page 60</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. You agree with that, sir?</p> <p>3 A. I'm sorry, could you repeat that one,</p> <p>4 please?</p> <p>5 (Whereupon, the last question was read</p> <p>6 back.)</p> <p>7 A. Based on my assessment of the tug at</p> <p>8 the time, in 2024, the purchase price, I think</p> <p>9 it's fair to say, was below fair market value.</p> <p>10 MR. RODGERS: Strike that as non-</p> <p>11 responsive.</p> <p>12 Q. I'm asking you about your formula and</p> <p>13 what the sale price was. Assuming what I read</p> <p>14 to you from Mr. Laraway's deposition is correct,</p> <p>15 the sale price was a million dollars in 2020,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. And according to your formula, the sale</p> <p>19 price of a vessel is equal to the fair market</p> <p>20 value of that vessel at the time of the sale,</p> <p>21 correct?</p> <p>22 MR. CHAPMAN: Objection to form.</p> <p>23 A. That's the generally accepted</p> <p>24 definition.</p> <p>25 Q. Okay, thank you. And Mr. Mayerrose, in</p>

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<p style="text-align: right;">Page 61</p> <p>1 J. S. POULSON, MSc</p> <p>2 2024, in his survey valued the Mackenzie Rose</p> <p>3 above that number, correct?</p> <p>4 A. Yes.</p> <p>5 Q. He valued it between \$2.25 million</p> <p>6 and \$2.5 million, correct?</p> <p>7 A. Correct.</p> <p>8 Q. The maximum is \$2.5 under his survey,</p> <p>9 correct?</p> <p>10 A. Yes. And in 2025, he had a maximum of</p> <p>11 \$5 million.</p> <p>12 Q. That's not the question. I'm asking</p> <p>13 about the 2024 survey he did after the incident,</p> <p>14 the maximum was \$2.5, correct?</p> <p>15 A. Yes. I answered yes.</p> <p>16 Q. He was onboard the vessel in July of</p> <p>17 2024, before it went into the yard, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Approximately ten days after the</p> <p>20 incident, correct?</p> <p>21 A. I can't remember how many days, but,</p> <p>22 yes, along those lines.</p> <p>23 Q. And to your knowledge, the incident</p> <p>24 didn't cause any damage to the tug, correct?</p> <p>25 A. I'm not seeing anything.</p>	<p style="text-align: right;">Page 63</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. So if we go to 6.9 of your report on</p> <p>3 page 11, Replacement Cost Approach; do you see</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. And you looked at the replacement cost</p> <p>7 of \$14 million; do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And you say it's supported by known tug</p> <p>10 construction costs in 2024.</p> <p>11 A. Yes.</p> <p>12 Q. Specifically, did you refer to anything</p> <p>13 to get at that, or is it just your general</p> <p>14 knowledge, or did you look at anything?</p> <p>15 A. I know of new construction in 2024,</p> <p>16 something that was started in 2024, will be</p> <p>17 delivered in 2025, to estimate the replacement</p> <p>18 cost in 2024 --</p> <p>19 (Crosstalk)</p> <p>20 Q. What yard did you look at or yards?</p> <p>21 A. Owners, actually, tug owners.</p> <p>22 Q. You asked them or checked with them?</p> <p>23 A. Yes.</p> <p>24 Q. Which owners, which companies?</p> <p>25 A. Well, Moran and McAllister.</p>
<p style="text-align: right;">Page 62</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. I represent to you that there was no</p> <p>3 damage to the tug as a result of the incident,</p> <p>4 okay?</p> <p>5 A. Okay.</p> <p>6 Q. Assuming that, then is it fair to say</p> <p>7 that Mr. Meyerrose's survey was an inspection of</p> <p>8 the Mackenzie Rose, it was in the same condition</p> <p>9 as it was at the time of the incident, fair to</p> <p>10 say?</p> <p>11 MR. CHAPMAN: Objection to form.</p> <p>12 A. Yes.</p> <p>13 Q. Have you heard of the Gellatly Company,</p> <p>14 Mr. Poulson?</p> <p>15 A. I've heard of them, yes.</p> <p>16 Q. Are they a towing company?</p> <p>17 A. They have tugs.</p> <p>18 Q. Where do they operate?</p> <p>19 A. In New York, I believe.</p> <p>20 Q. To your knowledge, are they still in</p> <p>21 business?</p> <p>22 A. I'm not sure.</p> <p>23 Q. Have you ever surveyed any of their</p> <p>24 tugs?</p> <p>25 A. Possibly over the years, possibly.</p>	<p style="text-align: right;">Page 64</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. And what type of tugs did you ask them</p> <p>3 about, or did they give you information on</p> <p>4 specifically what type of tug?</p> <p>5 A. Towing tugs. Also, the basics of the</p> <p>6 tugs and horsepower, they're not identical.</p> <p>7 They're similar size, larger horsepower, new</p> <p>8 deliveries. In 2024, tug building has gone away</p> <p>9 from conventional twin screws now to Z drive, so</p> <p>10 it's difficult to compare with conventional</p> <p>11 twin-screw tugs. Based on the values, as I</p> <p>12 understand it, that tugs are ordered and</p> <p>13 delivered, I arrived at the \$14 million.</p> <p>14 Q. And you just testified that those were</p> <p>15 different tugs in the sense that the horsepower</p> <p>16 was higher?</p> <p>17 A. Yes, considerably higher.</p> <p>18 Q. And what about the length?</p> <p>19 A. The tugs are actually similar length,</p> <p>20 actually slightly less.</p> <p>21 Q. So that higher horsepower, when you did</p> <p>22 your \$14 million for replacement cost, did you</p> <p>23 take that into account; did you lower the number</p> <p>24 at all?</p> <p>25 A. Yes. These tugs range between \$18 and</p>

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<p style="text-align: right;">Page 65</p> <p>1 J. S. POULSON, MSc</p> <p>2 \$20 million.</p> <p>3 Q. So you took into account the lower</p> <p>4 horsepower and then estimated \$14 million?</p> <p>5 A. It's an estimate. Because as I say,</p> <p>6 it's difficult to apply a replacement for the</p> <p>7 exact same configuration in today's market when</p> <p>8 that twin-screw arrangement isn't customarily</p> <p>9 built now, replaced with the, as is now common,</p> <p>10 Z drive. So \$14 million I think is a fair</p> <p>11 estimate.</p> <p>12 Q. And when you say Z drive, is that a</p> <p>13 single screw?</p> <p>14 A. Twin screw, they're Azimuth,</p> <p>15 multi-directional. It means they rotate</p> <p>16 360 degrees.</p> <p>17 Q. The screw itself?</p> <p>18 A. The nozzles and the screw.</p> <p>19 Q. And they have nozzles, okay. Did the</p> <p>20 other vessels like Mackenzie Rose have nozzles?</p> <p>21 A. No.</p> <p>22 Q. So to maneuver the newer Z drive ones,</p> <p>23 you use both the prop and the nozzle.</p> <p>24 A. They're one unit.</p> <p>25 Q. And they can maneuver more easily, is</p>	<p style="text-align: right;">Page 67</p> <p>1 J. S. POULSON, MSc</p> <p>2 over its life to account for age and market</p> <p>3 changes. Can you tell us where you got the</p> <p>4 70 percent from?</p> <p>5 A. Just a general depreciation factor over</p> <p>6 the life of the tug. It's not a straight line</p> <p>7 new build, so it would depreciate significantly</p> <p>8 over the first few years, and then it will level</p> <p>9 off. So I think 70 percent is a fair overall.</p> <p>10 If you lose 30 percent over the first five</p> <p>11 years, and then, subject to maintenance and --</p> <p>12 (Crosstalk)</p> <p>13 Q. Okay. Did you look into the</p> <p>14 pre-incident yard periods before applying the</p> <p>15 70 percent?</p> <p>16 A. The 70 percent would apply in any</p> <p>17 event. It takes into account actually</p> <p>18 maintaining the tug. A well-maintained tug, the</p> <p>19 depreciation would slow.</p> <p>20 Q. If a tug has a major overhaul,</p> <p>21 including engine work and the hull and new steel</p> <p>22 and other parts of the vessel, does that affect</p> <p>23 the depreciation factor?</p> <p>24 MR. CHAPMAN: Objection to form.</p> <p>25 A. No. The maintenance carried out is</p>
<p style="text-align: right;">Page 66</p> <p>1 J. S. POULSON, MSc</p> <p>2 that the theory behind all that?</p> <p>3 A. Yes.</p> <p>4 Q. Is Z drive an industry term?</p> <p>5 A. Yes.</p> <p>6 Q. Is it one manufacturer of that system?</p> <p>7 A. No. There is a few.</p> <p>8 Q. That makes it more expensive than the</p> <p>9 traditional two-screw, non-nozzle tug; is that</p> <p>10 fair to say?</p> <p>11 A. It's somewhat more expensive, yes.</p> <p>12 Q. And then, Mr. Meyerrose had a lower</p> <p>13 replacement cost, something in the 12 range; do</p> <p>14 you recall that?</p> <p>15 A. I believe so.</p> <p>16 Q. In the second report, the replacement</p> <p>17 cost was in the 12 range, correct?</p> <p>18 MR. CHAPMAN: Objection to form.</p> <p>19 A. Yes.</p> <p>20 Q. So you and Mr. Meyerrose, you disagree</p> <p>21 with the replacement cost estimate, correct?</p> <p>22 A. Correct.</p> <p>23 Q. So that was one element of your</p> <p>24 analysis in 6.9. The other one, you applied a</p> <p>25 reasonable depreciation factor of 70 percent</p>	<p style="text-align: right;">Page 68</p> <p>1 J. S. POULSON, MSc</p> <p>2 expected to be carried out; otherwise, the tug</p> <p>3 will not see its life expectancy through.</p> <p>4 Q. So your opinion is, an overhaul, no</p> <p>5 matter how expensive, is maintenance; is that</p> <p>6 your opinion?</p> <p>7 A. Yes.</p> <p>8 Q. The 70 percent, again, is that your</p> <p>9 opinion from your experience or anything you</p> <p>10 based it on other than your experience?</p> <p>11 A. Just my experience.</p> <p>12 Q. It's just a thumbnail kind of figure</p> <p>13 that you came to because of your experience?</p> <p>14 MR. CHAPMAN: Objection to form.</p> <p>15 A. Through looking at the values of the</p> <p>16 tugs, their age, building costs.</p> <p>17 Q. You didn't look at anything</p> <p>18 specifically for this survey to get at</p> <p>19 70 percent, right? You came to that number</p> <p>20 based on your experience; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. Then 6.10, you did a Generated Income</p> <p>23 Approach.</p> <p>24 (Whereupon, recess was taken.)</p> <p>25 Q. Mr. Poulson, I just want to clear up, I</p>



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<p style="text-align: right;">Page 69</p> <p>1 J. S. POULSON, MSc</p> <p>2 think I was quoting Mr. Meyerrose's replacement</p> <p>3 value from his 2025 survey, just to be clear on</p> <p>4 his survey done in 2024, just after the</p> <p>5 incident, the estimated replacement value of \$9</p> <p>6 million; does that ring a bell?</p> <p>7 A. Yes.</p> <p>8 Q. So getting back to where we were,</p> <p>9 paragraph 6.10, page 11, Generated Income</p> <p>10 Approach, you say, Typical utilization of a tug</p> <p>11 of the Mackenzie Rose's specification is around</p> <p>12 85 percent with daily hire rates in the region</p> <p>13 of U.S. \$8,500, which, if realized, will</p> <p>14 generate an annual income stream of U.S.</p> <p>15 \$2,640,000; do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Could you just break down the sentence</p> <p>18 and explain what it means in lay people's terms,</p> <p>19 let's say?</p> <p>20 MR. CHAPMAN: Objection to form.</p> <p>21 MR. RODGERS: You're saying I'm not a</p> <p>22 lay person?</p> <p>23 MR. CHAPMAN: You want me to tell you</p> <p>24 what my form objection is?</p> <p>25 A. If a tug can attain an \$8,500 hire</p>	<p style="text-align: right;">Page 71</p> <p>1 J. S. POULSON, MSc</p> <p>2 believe.</p> <p>3 Q. I guess what I'm getting at is, you</p> <p>4 agree it's an estimated rate that you estimated,</p> <p>5 correct?</p> <p>6 MR. CHAPMAN: Objection to form.</p> <p>7 A. Based on my experience and knowledge in</p> <p>8 the market, yes.</p> <p>9 Q. And then, you said you estimated the</p> <p>10 net income at 20 percent. Where did you get</p> <p>11 that number from?</p> <p>12 A. Just as a typical net operating income,</p> <p>13 so gross minus operating costs.</p> <p>14 Q. Again, was that an estimate, or did you</p> <p>15 get them from some industry study or some</p> <p>16 industry booklet or some kind of publication?</p> <p>17 A. Just an estimate based on prior</p> <p>18 discussions with tug owners as to how they get</p> <p>19 to their daily rates, for example. So they're</p> <p>20 based on the market, the cost, based on their</p> <p>21 operating costs for crew, maintenance,</p> <p>22 insurance, port charges, etc.</p> <p>23 Q. Were you ever given any actual towing</p> <p>24 agreement or invoice regarding this particular</p> <p>25 voyage? And when I say this voyage, I mean the</p>
<p style="text-align: right;">Page 70</p> <p>1 J. S. POULSON, MSc</p> <p>2 rate, and it's used 85 percent of the time, we</p> <p>3 have an income stream of \$2,640,000.</p> <p>4 Q. Where did you get \$8,500 a day from?</p> <p>5 A. It's a fairly customary rate. They're</p> <p>6 all subject to negotiations for individual</p> <p>7 contracts. I am asked to approve tug contracts</p> <p>8 occasionally in the course of other tug</p> <p>9 employments and just through discussion with tug</p> <p>10 owners generally. It's an average rate. It can</p> <p>11 be higher, it can be lower, but it's a fair rate</p> <p>12 for something like the Mackenzie Rose.</p> <p>13 Q. You didn't get that information from</p> <p>14 Carver, right?</p> <p>15 A. I did not.</p> <p>16 Q. As you sit here today, do you know the</p> <p>17 what actual hire rate for the Mackenzie Rose was</p> <p>18 back in 2024?</p> <p>19 A. It would vary from contract to</p> <p>20 contract, so I'm not aware of it at the time</p> <p>21 exactly, but it can vary certainly. It depends</p> <p>22 from contract to contract, whether it's a long</p> <p>23 term hire or a daily spot hire, it can be on an</p> <p>24 hourly basis. Other factors can be applied,</p> <p>25 fuel surcharges. But it's a fair rate to use, I</p>	<p style="text-align: right;">Page 72</p> <p>1 J. S. POULSON, MSc</p> <p>2 voyage that led to the incident.</p> <p>3 A. I believe I was given that, yes.</p> <p>4 Q. Do you know what the daily rate was?</p> <p>5 A. I don't recall at the time exactly, but</p> <p>6 I have seen it, I think, but I think it was a</p> <p>7 lump sum at the time.</p> <p>8 Q. Did you figure out the length of the</p> <p>9 voyage and then what the daily rate would be?</p> <p>10 A. I'm not sure I ever knew the length of</p> <p>11 the voyage. But the lump sum agreement is a</p> <p>12 lump sum agreement.</p> <p>13 Q. Does \$60,000 ring a bell?</p> <p>14 A. Yes.</p> <p>15 Q. You received that information after</p> <p>16 your initial report?</p> <p>17 A. No. I believe I had that.</p> <p>18 Q. Okay. And then, correct me if I'm</p> <p>19 wrong, is your ultimate estimate of the value of</p> <p>20 the tug at the time of the incident, is that</p> <p>21 generally based on comparable sales, and then</p> <p>22 you kind-of did a check by going through</p> <p>23 replacement cost and income approach; is that</p> <p>24 fair to say?</p> <p>25 MR. CHAPMAN: Objection.</p>



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<p style="text-align: right;">Page 73</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. Yes.</p> <p>3 Q. So is it fair to say that your primary</p> <p>4 basis for getting to \$4 million is your</p> <p>5 comparable sales analysis?</p> <p>6 A. Generally, that's the approach, yes.</p> <p>7 MR. RODGERS: And I haven't marked</p> <p>8 anything. But if we can mark it in the</p> <p>9 record and I'll have them marked and then</p> <p>10 sent to counsel and the reporter. Mr.</p> <p>11 Poulson's August 8, 2025 report, well mark</p> <p>12 that as Exhibit A to this deposition. And</p> <p>13 Exhibit B would be his addendum report of</p> <p>14 August 25, 2025. And Exhibit C is the</p> <p>15 Meyerrose report dated July 7, 2024. We'll</p> <p>16 mark them and then send a copy of them</p> <p>17 without all my scribble and send them to</p> <p>18 the reporter and all counsel.</p> <p>19 (Whereupon, Exhibits A, B and C were</p> <p>20 referenced.)</p> <p>21 Q. Prior to this case, were you familiar</p> <p>22 with Meyerrose and Co.?</p> <p>23 A. Yes.</p> <p>24 Q. Both companies work in the same</p> <p>25 industry, correct, as in the maritime industry?</p>	<p style="text-align: right;">Page 75</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. This is just the last four years, yes.</p> <p>3 Q. And if you look at the case of Moda</p> <p>4 Ingleside Oils Terminal LLC versus Riverside,</p> <p>5 what was your purpose of being retained in this</p> <p>6 case?</p> <p>7 A. This case was a collision at an oil</p> <p>8 terminal between two vessels.</p> <p>9 Q. And who retained you?</p> <p>10 A. The attorneys for the Riverside vessel.</p> <p>11 Q. What were you retained to opine on?</p> <p>12 A. It was a technical issue principally</p> <p>13 concerning the main engine of the Riverside.</p> <p>14 Q. And so you were not retained to do a</p> <p>15 valuation of either vessel?</p> <p>16 A. Not in that case, no.</p> <p>17 Q. So going to number 2, Bertling Transgas</p> <p>18 Tankers S.A.C., etc., who retained you, and what</p> <p>19 were you retained to do in that case?</p> <p>20 A. Bertling, the case was brought by the</p> <p>21 owners or charters of the vessel against the</p> <p>22 shipyard in Panama.</p> <p>23 Q. And who retained you?</p> <p>24 A. The attorneys for the owners of the</p> <p>25 vessel.</p>
<p style="text-align: right;">Page 74</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. Yes.</p> <p>3 Q. And both do, among other things, marine</p> <p>4 surveying and also act as consultants; is that</p> <p>5 fair to say?</p> <p>6 A. Yes.</p> <p>7 Q. I want to go to your previous</p> <p>8 testimony, if you have your report.</p> <p>9 A. Yes.</p> <p>10 Q. So if you go to the last page, your</p> <p>11 signature page is dated August 7th, but the</p> <p>12 report is dated August 8th. Is that kind of a</p> <p>13 typo? I'm looking at your signature page. I</p> <p>14 just want to make sure it's the correct</p> <p>15 signature page to your report. The last page of</p> <p>16 your report has, among other things, your</p> <p>17 signature; you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And that's the signature page for the</p> <p>20 report that is dated on the first page as</p> <p>21 August 8th, right?</p> <p>22 A. Yes.</p> <p>23 Q. In the first case that you listed as</p> <p>24 prior testimony, this is just for the last four</p> <p>25 years?</p>	<p style="text-align: right;">Page 76</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. What were you asked to opine on in that</p> <p>3 case?</p> <p>4 A. Repairs affected to the vessel in dry</p> <p>5 dock.</p> <p>6 Q. Is it fair to say you weren't retained</p> <p>7 to do a valuation of the vessel?</p> <p>8 A. Yes.</p> <p>9 Q. Going to 3, the United Marine Offshore</p> <p>10 LLC, etc. case; do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And that was a limitation liability</p> <p>13 proceeding?</p> <p>14 A. Yes.</p> <p>15 Q. And who retained you, and what was the</p> <p>16 purpose of your retention?</p> <p>17 A. It was a collision between the Miss</p> <p>18 Julie and the owners of the vessel that I</p> <p>19 represented.</p> <p>20 Q. Who did you represent -- the Miss</p> <p>21 Julie?</p> <p>22 A. No. The vessel that was struck by the</p> <p>23 Miss Julie.</p> <p>24 Q. Were you retained to do a valuation?</p> <p>25 A. Only insofar as it was affected by the</p>

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1 J. S. POULSON, MSc  
2 damage sustained to the vessel, the cost of  
3 repairs as it affected the value of the vessel  
4 was concerned, yes.  
5 Q. But you weren't retained to do the  
6 value of the vessel for the purpose of the  
7 limitation; is that correct?  
8 A. Correct.  
9 Q. Do you know who was in that case, what  
10 company?  
11 A. I don't.  
12 Q. Number 4, in the matter of Pan Ocean  
13 Company Limited, etc., you see that in your  
14 list?  
15 A. Yes.  
16 Q. And what were you retained for in that  
17 case?  
18 A. It was a fuel quality dispute.  
19 Q. Who were you retained on behalf of?  
20 A. World Fuel Services.  
21 Q. And is it fair to say that you weren't  
22 retained to do a valuation of the vessel?  
23 A. Correct.  
24 Q. These are just the past four years,  
25 correct?

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1 J. S. POULSON, MSc  
2 A. Yes.  
3 Q. But you said you testified in  
4 approximately 25 cases?  
5 MR. CHAPMAN: Objection to form.  
6 A. Yes.  
7 Q. In any of those cases, were you  
8 retained to do a valuation of the vessel?  
9 A. The actual total is 29 between court  
10 appearances and depositions. In one case I gave  
11 testimony in court on valuation.  
12 Q. At trial?  
13 A. At trial.  
14 Q. Who was that on behalf of?  
15 A. On behalf of the owners of a ship that  
16 was lost in a fire and it became a constructive  
17 total loss or possibly an actual total loss, but  
18 my testimony was on the equivalency of the  
19 replacement vessel and its value compared to the  
20 vessel that was lost.  
21 Q. Was this a limitation proceeding?  
22 A. No. This was litigation. It was in  
23 part against the shipyard that caused the fire  
24 and in part against the Panama Canal Commission  
25 for their effort or lack of effort to deal with

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1 J. S. POULSON, MSc  
2 the fire. So the underwriters in that case  
3 asked that part of my testimony, or my testimony  
4 was to attest to the value of the vessel that  
5 the owners bought to replace the one that was  
6 lost. This was in the Eastern District of  
7 Louisiana Court.  
8 Q. So you were just asked to determine the  
9 value of the new vessel?  
10 A. I was specifically asked to comment on  
11 the equivalence of the replacement vessel, its  
12 value against the value of the ship that was  
13 lost.  
14 Q. Now, to do that, were you required to  
15 do a fair market value of the ship that was  
16 lost?  
17 A. No. I was asked to comment on the  
18 physical attributes from a technical point of  
19 view of the equivalence of the two vessels.  
20 Q. So was it a comparison of the equipment  
21 and what each vessel had as opposed to the value  
22 of each vessel?  
23 A. That part of the trial was solely  
24 related to cost, so the judge had asked that the  
25 cost issue be resolved before the liability

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1 J. S. POULSON, MSc  
2 issue was addressed in a subsequent trial, which  
3 I attended in Panama.  
4 Q. Can you find the name of that case and  
5 give it to your attorney?  
6 MR. RODGERS: And by counsel, we  
7 request the name of the case and the Docket  
8 number.  
9 Q. Do you know what year that was?  
10 A. It would be around 2000.  
11 Q. So to the best of your memory, all  
12 other cases that you have testified to did not  
13 involve you doing a valuation of a vessel; is  
14 that fair to say?  
15 A. I'm just having a quick look, but, yes,  
16 to the best of my recollection I have not had to  
17 testify to valuation.  
18 Q. Is most of the work that you do  
19 currently that you're surveying, is it  
20 predominantly damage work as opposed to  
21 valuation work, or is there a percentage or  
22 something along that line?  
23 A. It varies. It certainly includes a  
24 good proportion of damage. Last year, 2024,  
25 pre-purchase surveys and valuations and

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<p style="text-align: right;">Page 81</p> <p>1 J. S. POULSON, MSc</p> <p>2 condition and valuations accounted for about --</p> <p>3 actually, if I include the shipyard valuation</p> <p>4 and the other entity, it's about 25 percent in</p> <p>5 number.</p> <p>6 Q. Going through your CV again, what did</p> <p>7 you do at GL Noble Denton?</p> <p>8 MR. CHAPMAN: Objection to form.</p> <p>9 Q. You can answer.</p> <p>10 A. I ran the survey -- well, I opened the</p> <p>11 New York office of GL Noble -- actually, it was</p> <p>12 Noble Denton when I joined the company. It was</p> <p>13 acquired by GL. But I opened the survey office</p> <p>14 in New York and ran essentially the survey for</p> <p>15 the Americas and pretty much worldwide, in</p> <p>16 conjunction with our Linden office.</p> <p>17 Q. GL is Germanischer Lloyd?</p> <p>18 A. Yes.</p> <p>19 Q. Is GL Noble Denton, is that the class</p> <p>20 society's name, or is that like an affiliated</p> <p>21 company?</p> <p>22 A. Well, it actually became DMV GL Noble</p> <p>23 Denton. I'm not entirely sure of the current</p> <p>24 status.</p> <p>25 Q. When you opened up the office, was it</p>	<p style="text-align: right;">Page 83</p> <p>1 J. S. POULSON, MSc</p> <p>2 Meyerrose's estimate of 2.25 to 2.5?</p> <p>3 A. Well, that estimate, yes. He</p> <p>4 subsequently put it between 4.5 and 5.</p> <p>5 Q. Okay. I just want to make sure what</p> <p>6 you two disagree about and what part you</p> <p>7 disagree about. So he did a post overhaul</p> <p>8 inspection and then he evaluated it to the</p> <p>9 numbers you just mentioned, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Then, if you go to paragraph 6.3 of</p> <p>12 your report, which is on page 10, you see that?</p> <p>13 A. Yes.</p> <p>14 Q. So your statement is, There is no</p> <p>15 indication in the reports as to the reasoning</p> <p>16 behind the vast change in valuations over the</p> <p>17 approximate ten-month intervening period; do you</p> <p>18 see that?</p> <p>19 A. Yes.</p> <p>20 Q. And he, I believe, has increased the</p> <p>21 value due to the overhaul. He has done that,</p> <p>22 but you agree that that's what he's done? I'm</p> <p>23 not saying you agree with it. I'm just saying</p> <p>24 would you agree that that appears to be what</p> <p>25 he's done there?</p>
<p style="text-align: right;">Page 82</p> <p>1 J. S. POULSON, MSc</p> <p>2 as the classed society?</p> <p>3 A. Absolutely not, no. And I spent a lot</p> <p>4 of time making the distinction that we have</p> <p>5 nothing to do with the classification society.</p> <p>6 Q. I'm aware of that issue.</p> <p>7 What kind of surveying were you doing</p> <p>8 at GL Noble Denton?</p> <p>9 A. All manner of surveys, principally</p> <p>10 casualty surveys, warranty surveys, condition</p> <p>11 surveys, P&amp;I surveys, expert witness.</p> <p>12 Q. And what about the Salvage Association,</p> <p>13 what type of surveying were you involved in</p> <p>14 there?</p> <p>15 A. The same as for GL Noble Denton.</p> <p>16 Q. So getting to your addendum report of</p> <p>17 August 25, 2025, in your opinion, after the</p> <p>18 inspection you did last week you maintained your</p> <p>19 estimate of \$4 million, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And that's your opinion of the value of</p> <p>22 the Mackenzie Rose as of the date of the</p> <p>23 incident, June 15, 2024; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. And is it fair to say you dispute Mr.</p>	<p style="text-align: right;">Page 84</p> <p>1 J. S. POULSON, MSc</p> <p>2 MR. CHAPMAN: Objection to form.</p> <p>3 A. I can't answer that. I don't know. I</p> <p>4 don't know.</p> <p>5 Q. Did you look at the April 2025 post</p> <p>6 overhaul survey of Mr. Meyerrose'?</p> <p>7 A. Yes.</p> <p>8 Q. And in that survey, did he itemize all</p> <p>9 the work that had been done on the vessel?</p> <p>10 A. Yes.</p> <p>11 Q. And is it your opinion as you sit here</p> <p>12 today that that work, in your opinion, does not</p> <p>13 add value to the tug?</p> <p>14 MR. CHAPMAN: Objection to form.</p> <p>15 A. Correct. As we discussed, the list is</p> <p>16 of maintenance.</p> <p>17 Q. Okay. I understand that. You</p> <p>18 testified to that. When you say maintenance,</p> <p>19 you don't mean oiling the engine, right? You</p> <p>20 mean that there was work done, major work,</p> <p>21 correct? You just see that your term of art is</p> <p>22 all of that is what you call maintenance of the</p> <p>23 vessel; is that fair to say?</p> <p>24 MR. CHAPMAN: Objection to form.</p> <p>25 A. Yes. It's part of a scheduled dry</p>

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<p style="text-align: right;">Page 85</p> <p>1 J. S. POULSON, MSc</p> <p>2 docking to examine tanks, carry out necessary</p> <p>3 repairs, that's the time to overhaul engines,</p> <p>4 etc. But the category, in my opinion, is</p> <p>5 maintenance.</p> <p>6 Q. Is it fair to say that, in your</p> <p>7 opinion, overhaul work done on any vessel does</p> <p>8 not add value to that vessel; is that your</p> <p>9 opinion?</p> <p>10 MR. CHAPMAN: Objection to form.</p> <p>11 A. Overhauls are a necessary function of</p> <p>12 owning a vessel, and it's not upgrading, it's</p> <p>13 maintaining.</p> <p>14 Q. But would you agree that if you --</p> <p>15 let's assume that there is no load line or ABS</p> <p>16 classification, that a vessel is purchased that</p> <p>17 needs a major overhaul, that it generally would</p> <p>18 be worth less to the buyer, correct, because the</p> <p>19 buyer has to then put money into bringing it up</p> <p>20 to speed; is that fair to say?</p> <p>21 MR. CHAPMAN: Objection to form.</p> <p>22 A. It would depend on what the vessel</p> <p>23 needed at the time of purchase. If there were</p> <p>24 issues that needed rectifying, it would still,</p> <p>25 unless it's -- well, even if it's a damage</p>	<p style="text-align: right;">Page 87</p> <p>1 J. S. POULSON, MSc</p> <p>2 A. Thank you.</p> <p>3 EXAMINATION BY</p> <p>4 MR. CHAPMAN:</p> <p>5 Q. I do have one thing that I want to</p> <p>6 explore, based on questioning by Mr. Rodgers,</p> <p>7 and that is testimony that you have not seen or</p> <p>8 otherwise had a chance to consider that came</p> <p>9 from the deposition of a gentleman named</p> <p>10 Nicholas Laraway. Is everybody able to see my</p> <p>11 screen?</p> <p>12 A. Yes.</p> <p>13 Q. This is the transcript of the</p> <p>14 deposition of Mr. Laraway. I'm on page 32 of</p> <p>15 it. I'll just scroll up to the beginning so you</p> <p>16 can see the style of this case, the videotape</p> <p>17 deposition of Mr. Laraway. As I said, this is a</p> <p>18 transcript. Beginning on page 32, Mr. Rodgers</p> <p>19 read to you some testimony beginning at line 19,</p> <p>20 it says, How much did Carver pay for it when it</p> <p>21 was acquired? We're talking about the Mackenzie</p> <p>22 Rose here. How much did Carver pay for it? I</p> <p>23 believe it was approximately \$1 million. And</p> <p>24 then continuing over to page 32, After acquiring</p> <p>25 it, did Carver have any work done on it? There</p>
<p style="text-align: right;">Page 86</p> <p>1 J. S. POULSON, MSc</p> <p>2 issue, you're still bringing it to where it</p> <p>3 should be.</p> <p>4 Q. Right now these questions are geared to</p> <p>5 understanding your opinion, as opposed to me</p> <p>6 disagreeing with your opinion. You and Mr.</p> <p>7 Meyerrose will agree to disagree, maybe, on that</p> <p>8 issue, but I just want to make sure I'm clear as</p> <p>9 to what your opinion is, generally, and as to</p> <p>10 this vessel, okay; does that make sense?</p> <p>11 A. Yes.</p> <p>12 MR. CHAPMAN: Objection to form.</p> <p>13 Q. Why don't we take five minutes so I can</p> <p>14 look through my notes. If I don't see anything</p> <p>15 interesting, I think maybe we can finish up.</p> <p>16 Mr. Chapman may have questions for you and then</p> <p>17 I may have follow-up, but let me get five</p> <p>18 minutes to see if I missed anything.</p> <p>19 (Whereupon, recess was taken.)</p> <p>20 Q. Mr. Poulson, I have no further</p> <p>21 questions subject to follow-up. I want to thank</p> <p>22 you for being here today. I enjoyed our</p> <p>23 discussion and enjoyed getting to know you.</p> <p>24 I'll say my goodbyes unless Mr. Chapman has</p> <p>25 something.</p>	<p style="text-align: right;">Page 88</p> <p>1 J. S. POULSON, MSc</p> <p>2 has been work done on it since it was acquired?</p> <p>3 Yes. Did it require refurbishing or anything to</p> <p>4 make it operational when you acquired it? Not</p> <p>5 that I recall. Who was it acquired from? I</p> <p>6 believe it was Gellatly, a company with their</p> <p>7 name included Gellatly, I don't recall a</p> <p>8 specific entity. The witness was asked to spell</p> <p>9 it. There is comment by Mr. Rodgers, and then</p> <p>10 we had Exhibit 4 to this deposition marked,</p> <p>11 which was the abstract and title for the vessel</p> <p>12 obtained from the Coast Guard National Vessel</p> <p>13 Documentation Center, and it appears to document</p> <p>14 that it was sold by Gellatly and Criscione</p> <p>15 Services Corp. to Carver Marine Coeymans Marine</p> <p>16 Towing, correct? And Mr. Laraway's answer was,</p> <p>17 That is correct. And it appears that at the</p> <p>18 time of the acquisition there was a \$2 million</p> <p>19 mortgage placed on the vessel. Answer, that</p> <p>20 appears to be correct. So you told us earlier</p> <p>21 that you thought you'd paid a million dollars</p> <p>22 for it, but there's a \$2 million mortgage. Can</p> <p>23 you explain the difference? And his answer is,</p> <p>24 beginning at line 20 on page 34, From what I</p> <p>25 recall, at the time we purchased it, there was</p>



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<p style="text-align: right;">Page 89</p> <p>1 J. S. POULSON, MSc</p> <p>2 some equity in the vessel, and we had planned to</p> <p>3 do some work in the future, so we were able to</p> <p>4 take out a mortgage for more than we paid for.</p> <p>5 So you paid a seller a million dollars and</p> <p>6 succeeded in putting a mortgage on it for</p> <p>7 \$2 million; is that right? That's correct.</p> <p>8 Now, knowing that that was his</p> <p>9 testimony, Mr. Poulson, does it appear to you</p> <p>10 that that million-dollar purchase price that Mr.</p> <p>11 Laraway testified about was a fair market value?</p> <p>12 MR. RODGERS: Objection.</p> <p>13 Q. At the time it was acquired by Carver</p> <p>14 in 2020?</p> <p>15 A. I think, as I testified earlier, it was</p> <p>16 below fair market value.</p> <p>17 Q. Great, thank you. I don't have any</p> <p>18 further questions.</p> <p>19 FURTHER EXAMINATION BY</p> <p>20 MR. RODGERS:</p> <p>21 Q. Just a followup, Mr. Poulson. Your</p> <p>22 formula, though, for fair market value is the</p> <p>23 negotiated price between buyer and seller,</p> <p>24 correct?</p> <p>25 A. A willing buyer and a willing seller.</p>	<p style="text-align: right;">Page 91</p> <p>1 J. S. POULSON, MSc</p> <p>2 or if the government declared eminent domain and</p> <p>3 forced an owner to sell a vessel, would that be</p> <p>4 an instance where it was not a willing seller?</p> <p>5 MR. CHAPMAN: Objection to form.</p> <p>6 A. I think that's a possibility. But</p> <p>7 companies in difficulty sell assets. An asset</p> <p>8 sale can be triggered for many reasons.</p> <p>9 Q. But you don't know if there are any</p> <p>10 reasons in the case in 2020, correct? You</p> <p>11 didn't know before today what the sale price</p> <p>12 was, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So again, your formula -- I don't know</p> <p>15 if you stated it this way at the beginning, but</p> <p>16 as of now, your formula is the fair market value</p> <p>17 is the negotiated price between a willing buyer</p> <p>18 and a willing seller, correct, that's your</p> <p>19 formula?</p> <p>20 MR. CHAPMAN: Objection to form.</p> <p>21 A. It's the generally accepted industry</p> <p>22 term.</p> <p>23 Q. Is that your formula?</p> <p>24 A. That's what I stated in my report.</p> <p>25 Q. All right, thank you. It's been a</p>
<p style="text-align: right;">Page 90</p> <p>1 J. S. POULSON, MSc</p> <p>2 Q. And in determining that, it's fair to</p> <p>3 say when you do determine that, you don't check</p> <p>4 mortgages, you don't check insurance policies,</p> <p>5 correct, generally?</p> <p>6 A. Generally, yes.</p> <p>7 Q. So based on your testimony of your</p> <p>8 formula, the fair market value, which is the</p> <p>9 value that the tug sold for in 2020, is or was</p> <p>10 \$1 million according to your formula, correct?</p> <p>11 A. Which, as I said, is between a willing</p> <p>12 buyer and a willing seller. I don't know the</p> <p>13 circumstances of the sale, so I maintain that</p> <p>14 that is below market value.</p> <p>15 Q. Based on what?</p> <p>16 A. Based on my valuation of the tug.</p> <p>17 Q. So your formula is not your formula, is</p> <p>18 that what you're saying?</p> <p>19 A. No. I'm saying it's between a willing</p> <p>20 buyer and a willing seller. I don't know the</p> <p>21 condition of the tug when it was bought, and I</p> <p>22 don't know the circumstances under which it was</p> <p>23 sold.</p> <p>24 Q. Okay, fair enough. So what would be</p> <p>25 the situation where there was no willing seller,</p>	<p style="text-align: right;">Page 92</p> <p>1 J. S. POULSON, MSc</p> <p>2 pleasure.</p> <p>3 FURTHER EXAMINATION BY</p> <p>4 MR. CHAPMAN:</p> <p>5 Q. Mr. Poulson, in your professional</p> <p>6 experience and expertise, do banks make loans on</p> <p>7 vessels for more than the fair market value?</p> <p>8 MR. RODGERS: Objection, foundation.</p> <p>9 Q. You can answer.</p> <p>10 A. I'm not aware of that practice.</p> <p>11 Q. Thank you.</p> <p>12 MR. CHAPMAN: No further questions.</p> <p>13 Anything else, Mr. Rodgers?</p> <p>14 MR. RODGERS: There is.</p> <p>15 FURTHER EXAMINATION BY</p> <p>16 MR. RODGERS:</p> <p>17 Q. In your experience, do banks sometimes</p> <p>18 make loans on appraisals of vessels?</p> <p>19 A. Yes.</p> <p>20 Q. And do insurance companies issue</p> <p>21 policies from time to time on appraisals of</p> <p>22 vessels?</p> <p>23 A. My own experience is based on valuation</p> <p>24 surveys.</p> <p>25 Q. And all those are different than an</p>



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<p style="text-align: right;">Page 93</p> <p>1 J. S. POULSON, MSc</p> <p>2 actual fair market value, correct?</p> <p>3 MR. CHAPMAN: Objection to form.</p> <p>4 Q. Is that correct, in your experience and</p> <p>5 opinion?</p> <p>6 A. In my experience, the insurance company</p> <p>7 will insure a vessel based on its valuation and</p> <p>8 its market value.</p> <p>9 Q. What about an appraisal, have you ever</p> <p>10 done an appraisal on a vessel that went to an</p> <p>11 insurance company?</p> <p>12 MR. CHAPMAN: Objection to form.</p> <p>13 A. You're distinguishing between an</p> <p>14 appraisal and a valuation?</p> <p>15 Q. Yes. An appraisal where an insurance</p> <p>16 company has asked either the owner or you to go</p> <p>17 appraise a vessel before they issue a policy.</p> <p>18 MR. CHAPMAN: Objection to form.</p> <p>19 A. The condition and valuation surveys</p> <p>20 that I've carried out have been for insurance</p> <p>21 purposes.</p> <p>22 Q. Have you included the actual sales of</p> <p>23 the vessel when you've done that?</p> <p>24 MR. CHAPMAN: Objection to form.</p> <p>25 A. I've only done it if asked in the past.</p>	<p style="text-align: right;">Page 95</p> <p>1 J. S. POULSON, MSc</p> <p>2 the deposition. The witness will read and</p> <p>3 sign.</p> <p>4 MR. RODGERS: Ordering a rough draft</p> <p>5 and a three-day expedite for Tuesday,</p> <p>6 September 2.</p> <p>7 MR. CHAPMAN: Regular delivery, a TXT</p> <p>8 file and full-size PDF.</p> <p>9 (Time noted: 2:37 p.m.)</p> <p>10</p> <p>11</p> <p>12 JOHN S. POULSON, MSc</p> <p>13</p> <p>14 Subscribed and sworn to</p> <p>15 before me this day</p> <p>16 of 2025.</p> <p>17</p> <p>18</p> <p>19 Notary Public</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																
<p style="text-align: right;">Page 94</p> <p>1 J. S. POULSON, MSc</p> <p>2 Normally, no.</p> <p>3 Q. What about with a bank, have you ever</p> <p>4 done a valuation survey so a bank can issue a</p> <p>5 mortgage?</p> <p>6 A. I cannot say where my valuations have</p> <p>7 been used, if they've been used by a bank or</p> <p>8 not.</p> <p>9 Q. So it's fair to say sitting here today</p> <p>10 you don't have any expertise on what a bank may</p> <p>11 rely on in order to issue a mortgage to a vessel</p> <p>12 owner, is that fair to say?</p> <p>13 MR. CHAPMAN: Objection to form.</p> <p>14 Q. You're not a banker, correct?</p> <p>15 A. I'm not a banker.</p> <p>16 Q. So as you sit here today, is it fair to</p> <p>17 say that you do not have expertise in the basis</p> <p>18 for when a bank issues a vessel mortgage?</p> <p>19 MR. CHAPMAN: Objection to form.</p> <p>20 A. I'm not experienced the way banks issue</p> <p>21 mortgages, no.</p> <p>22 Q. Thank you.</p> <p>23 MR. RODGERS: I have no further</p> <p>24 questions unless there's follow-up.</p> <p>25 MR. CHAPMAN: I think this concludes</p>	<p style="text-align: right;">Page 96</p> <p>1 I N D E X</p> <table><tr><td>2 EXAMINATION BY</td><td>PAGE</td></tr><tr><td>3 MR. RODGERS</td><td>4, 89, 92</td></tr><tr><td>4 MR. CHAPMAN</td><td>87, 92</td></tr><tr><td>5</td><td></td></tr><tr><td>6 N E W R E F E R E N C E D E X H I B I T S</td><td></td></tr><tr><td>7 NO. DESCRIPTION PAGE</td><td></td></tr><tr><td>8 EX-A Poulson report-8/8/25</td><td>73</td></tr><tr><td>9 EX-B Poulson addendum report-8/25/25</td><td>73</td></tr><tr><td>10 EX-C Meyerrose report-7/7/24</td><td>73</td></tr><tr><td>11</td><td></td></tr><tr><td>12 R E Q U E S T S</td><td></td></tr><tr><td>13 DESCRIPTION PAGES</td><td></td></tr><tr><td>14 Insert-Availability-7/28/25</td><td>11</td></tr><tr><td>15 Insert-Availability</td><td>12</td></tr><tr><td>16 Case and Docket number</td><td>80</td></tr><tr><td>17</td><td></td></tr><tr><td>18 R U L I N G S</td><td></td></tr><tr><td>19 PAGE:</td><td></td></tr><tr><td>20 11, 11</td><td></td></tr><tr><td>21</td><td></td></tr><tr><td>22</td><td></td></tr><tr><td>23</td><td></td></tr><tr><td>24</td><td></td></tr><tr><td>25</td><td></td></tr></table>	2 EXAMINATION BY	PAGE	3 MR. RODGERS	4, 89, 92	4 MR. CHAPMAN	87, 92	5		6 N E W R E F E R E N C E D E X H I B I T S		7 NO. DESCRIPTION PAGE		8 EX-A Poulson report-8/8/25	73	9 EX-B Poulson addendum report-8/25/25	73	10 EX-C Meyerrose report-7/7/24	73	11		12 R E Q U E S T S		13 DESCRIPTION PAGES		14 Insert-Availability-7/28/25	11	15 Insert-Availability	12	16 Case and Docket number	80	17		18 R U L I N G S		19 PAGE:		20 11, 11		21		22		23		24		25	
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<div>Page 97</div> <div>CERTIFICATE</div> <div>STATE OF NEW YORK)</div> <div>SS.:)</div> <div>COUNTY OF KINGS )</div> <div>I, SARA FREUND, CSR, a Notary Public within</div> <div>and for the State of New York, do hereby</div> <div>certify:</div> <div>THAT JOHN S. POULSON, MSc, the witness</div> <div>whose deposition is hereinbefore set forth, was</div> <div>duly sworn by me and that such deposition is a</div> <div>true record of the testimony given by such</div> <div>witness.</div> <div>I further certify that I am not related to</div> <div>any of the parties to this action by blood or</div> <div>marriage; and that I am in no way interested in</div> <div>the outcome of this matter.</div> <div>IN WITNESS WHEREOF, I have hereunto set my</div> <div>hand on this 27th day of August, 2025.</div> <div><i>Sara Freund</i></div> <div>SARA FREUND, CSR</div>	<div>Page 99</div> <div>ERRATA SHEET</div> <div>PAGE LINE</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div> <div>REASON:</div> <div>CHANGE:</div>
<div>Page 98</div> <div>DEPOSITION ERRATA SHEET</div> <div>Our Assignment No. 13352637</div> <div>CASE NAME: Coeymans Marine v Norfolk and</div> <div>Portsmouth Railroad</div> <div>DECLARATION UNDER PENALTY OF PERJURY</div> <div>I declare under penalty of perjury that I have</div> <div>read the entire transcript of my deposition</div> <div>taken in the captioned matter, or that it has</div> <div>been read to me, and the same is true and</div> <div>accurate, except for changes and/or corrections,</div> <div>if any, as indicated by me on the DEPOSITION</div> <div>ERRATA SHEET hereof, with the understanding that</div> <div>I offer these changes as if still under oath.</div> <div>JOHN S. POULSON, MSc</div> <div>Subscribed and sworn to on the ____day of</div> <div>____, 2025, before me,_____,</div> <div>Notary Public, in and for the State of New York</div>	